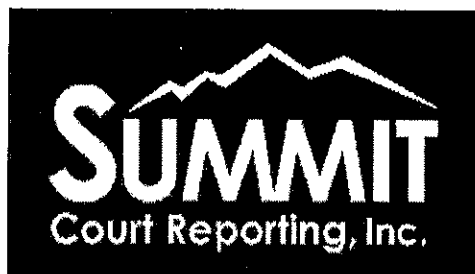


EXHIBIT “7”



Compressed Transcript of the Testimony of
JEFFREY WALKER, 9/15/16

Case: McIntyre v. Liciardello, et al./Torain v. The City of Phila., et al.

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES MCINTYRE, : CIVIL ACTION
Plaintiff, :
VS. : LEAD DOCKET
POLICE OFFICER :
LICIARDELLO, et al., :
Defendants. : NO. 13-2773

KAREEM TORAIN, : CIVIL ACTION
Plaintiff, :
VS. :
THE CITY OF :
PHILADELPHIA, :
PHILADELPHIA POLICE :
OFFICER WALKER, BADGE :
3730; PHILADELPHIA :
POLICE OFFICER :
REYNOLDS, BADGE # 4268; :
PHILADELPHIA POLICE :
OFFICER MONAGHAN, :
BADGE # 6061, :
individually and in :
their capacity as :
police officer, :
Defendants. : NO. 14-1643

ORAL DEPOSITION OF JEFFREY WALKER
SEPTEMBER 15, 2016

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Page 2

1 ---
2
3 Oral deposition of JEFFREY WALKER, taken
4 at the James Byrne Courthouse, 601 Market Street,
5 Courtroom 6B, Philadelphia, Pennsylvania, on
6 Thursday, September 15, 2016, beginning at
7 approximately 10:20 a.m., before Robin Frattali,
8 Registered Professional Reporter and Notary Public
9 in and of the Commonwealth of Pennsylvania.

Page 4

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42 and Lieutenant Robert Otto

1 (Pages 1 to 4)

<p style="text-align: right;">Page 5</p> <p>1 ALSO PRESENT: 2 JOHN EDWARDS 3 Assistant to Eric F. Spade, Esquire 4 5 SERGEANT MICHAEL SPICER 6 7 POLICE OFFICER JOHN SPEISER 8 9 POLICE OFFICER LINWOOD NORMAN 10 11 POLICE OFFICER THOMAS LICIARDELLO 12 13 POLICE OFFICER BRIAN REYNOLDS 14 15 MARK FAZLOLLAH 16 The Inquirer Staff Writer 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 7</p> <p>1 DEPOSITION SUPPORT INDEX 2 3 DIRECTIONS NOT TO ANSWER: 4 PAGES: None 5 6 REQUESTS FOR DOCUMENTS OR INFORMATION: 7 PAGES: None 8 9 STIPULATIONS AND/OR STATEMENTS: 10 PAGES: 8 11 12 CERTIFIED QUESTIONS: 13 PAGES: None 14 15 16 17 18 19 20 21 22 23 24</p>
<p style="text-align: right;">Page 6</p> <p>1 INDEX 2 --- 3 WITNESS: PAGE 4 JEFFREY WALKER 5 EXAMINATION 6 By Mr. Pileggi 11 7 8 EXHIBITS 9 10 PAGE FIRST 11 EXHIBIT NO. DESCRIPTION REFERENCED 12 Exhibit Subpoena to Appear and Testify 12 13 Walker-1 at a Hearing or Trial in a Civil 14 Action To: Jeffrey Walker 15 Exhibit Kareem Torain Complaint 75 16 Walker-2 17 18 Exhibit Property Receipt No. 22508224 110 19 Walker-3 20 Exhibit Property Receipt No. 2308223 112 21 Walker-4 22 23 Exhibit Search Warrant and related 113 24 Walker-5 documents Walker-6 Investigation Report 127</p>	<p style="text-align: right;">Page 8</p> <p>1 THE REPORTER: Usual 2 stipulations? 3 MR. PILEGGI: Yes. 4 --- 5 (By agreement of counsel, the 6 sealing, certification and filing are 7 waived; and all objections, except as to 8 the form of the question, are reserved 9 until the time of trial.) 10 --- 11 JEFFREY WALKER, having been 12 first duly sworn to tell the truth, was 13 examined and testified as follows: 14 --- 15 MR. PILEGGI: Why don't we 16 start by let's identify everyone for the 17 record. 18 My name is Michael Pileggi. I 19 represent in this case Kareem Torain, who is 20 the plaintiff. 21 MR. POPPER: Howard Popper. I 22 represent Justin Mirraglia and Helen Guyon. 23 MR. KRASNER: Larry Krasner and 24 Liam Riley from Krasner & Long. We</p>

Page 9	Page 11
1 represent McIntyre.	1 MR. SANTARONE: Oh, did I?
2 MS. FUREY: Margaret Furey here	2 MR. WILLIAMS: Yes, you did.
3 on behalf of Brittney Mills.	3 ---
4 MR. WILLIAMS: Gerald Williams	4 (Whereupon a discussion was
5 of the bellwether plaintiffs. I represent	5 held off the record.)
6 Sylvester Wescott.	6 ---
7 MR. FEINSCHIL: Jay Feinschil.	7 SERGEANT SPICER: Sergeant
8 I represent Warren Layre, Michael Tierney	8 Spicer, S-P-I-C-E-R.
9 and Thomas Basara.	9 OFFICER LICARDDELLO: Police
10 MR. BRIDANDI: Armando	10 Officer Thomas Liciardello,
11 Brigandi. I represent the City of	11 L-I-C-I-A-R-D-E-L-L-O.
12 Philadelphia. I also will have an Assistant	12 OFFICER REYNOLDS: Police
13 City Solicitor joining us shortly. His name	13 Officer Reynolds, R-E-Y-N-O-L-D-S, Brian,
14 is Jonathan Cooper, also representing the	14 B-R-I-A-N.
15 City of Philadelphia.	15 OFFICER SPEISER: Police
16 MR. SANTARONE: Joe Santarone.	16 Officer John Speiser, S-P-E-I-S-E-R.
17 I represent Sergeant Speiser, Officers	17 OFFICER NORMAN: Police Officer
18 Spicer, Reynolds, Betts, Reynolds, Walker,	18 Linwood Norman, N-O-R-M-A-N.
19 Norman and Liciardello.	19 ---
20 MR. CHRISTIE: James Christie.	20 EXAMINATION
21 I represent Lieutenant Robert Otto and	21 ---
22 Lieutenant Joseph McCloskey.	22 BY MR. PILEGGI:
23 MR. EDWARDS: My name is John	23 Q. Could you state your full name for the
24 Edwards. I'm an assistant for Eric Spade,	24 record, please.
Page 10	Page 12
1 who is the attorney representing Petrina	1 A. Jeffrey L. Walker.
2 Mitchell, who is one of the plaintiffs.	2 Q. Mr. Walker, I'm going to give you some
3 MR. GONZALES: John Gonzales.	3 instructions in how we're going to proceed today,
4 I represent the same defendants that	4 and at the end of these instructions if you have
5 Mr. Santarone represents.	5 any questions just stop me and ask whatever
6 MR. WILLIAMS: Could you -- I'm	6 questions you need.
7 sorry, for the record, because I was a	7 A. Will do.
8 little unclear, could you say which	8 Q. First of all, you were subpoenaed to
9 individual defendants you represent? I know	9 appear today, correct?
10 they're the same as Joe, but just go through	10 A. Yes, I was.
11 the list.	11 MR. PILEGGI: All right. And I
12 MR. GONZALES: Sure.	12 just want to mark this as Walker-1, please.
13 MR. SANTARONE: I don't think	13 ---
14 that's necessary. He just went through it.	14 (Subpoena to Appear and Testify
15 MR. GONZALES: Speiser, Spicer,	15 at a Hearing or Trial in a Civil Action To:
16 Liciardello, Norman and Reynolds.	16 Jeffrey Walker marked Plaintiff's Exhibit
17 MR. SANTARONE: Right, and	17 Walker-1 for identification purposes.)
18 Betts.	18 ---
19 MR. GONZALES: And Betts.	19 BY MR. PILEGGI:
20 MR. WILLIAMS: But not Walker,	20 Q. Now, Mr. Walker -- and by the way, can
21 who you said?	21 I call you Jeffrey for purposes of the deposition?
22 MR. SANTARONE: I didn't say	22 A. That would be good.
23 Walker.	23 Q. Okay, thank you. Jeffrey, I'm going
24 MR. WILLIAMS: Yes, you did.	24 to be asking you a series of questions, and as you

<p style="text-align: right;">Page 13</p> <p>1 can see, there's a room full of attorneys as well</p> <p>2 as defendants and others. For purposes of my</p> <p>3 deposition -- I will be asking you questions.</p> <p>4 First of all, if you don't</p> <p>5 understand a question, stop me. I'll either</p> <p>6 repeat it or rephrase it or whatever I need to do</p> <p>7 to get you to understand it. Okay?</p> <p>8 A. Okay.</p> <p>9 Q. I don't want you to guess, but if you</p> <p>10 do, if you're going to guess about something, or</p> <p>11 you may get a question where they're going to ask</p> <p>12 you to approximate or guess, just make sure the</p> <p>13 record's clear that you are approximating or</p> <p>14 guessing. Okay?</p> <p>15 A. Will do.</p> <p>16 Q. All right. If at any time you want to</p> <p>17 stop and take a break we can do so. You just</p> <p>18 can't do it while there's a pending question.</p> <p>19 A. Yes.</p> <p>20 Q. Answer the question and then we can</p> <p>21 stop now.</p> <p>22 Now, I just want to note for</p> <p>23 the record that it appears that you are here on</p> <p>24 your own. You are not represented; is that</p>	<p style="text-align: right;">Page 15</p> <p>1 Q. Okay. Where was that?</p> <p>2 A. In West Philadelphia, 59th and</p> <p>3 Lancaster.</p> <p>4 Q. All right. And what was the year you</p> <p>5 graduated?</p> <p>6 A. '87.</p> <p>7 Q. What happened after you graduated high</p> <p>8 school? Were you employed?</p> <p>9 A. Yes. I had small jobs, kitchen jobs.</p> <p>10 I took the police test in '88. I was hired by the</p> <p>11 police department in 6/28/89.</p> <p>12 Q. And I assume you went to the Academy?</p> <p>13 A. Yes, I did.</p> <p>14 Q. Okay. Do you know when you graduated</p> <p>15 from the Academy?</p> <p>16 A. I'd say roughly about six months.</p> <p>17 Q. Okay. What were some of the things</p> <p>18 that they taught you in the Academy?</p> <p>19 A. Policy. Police procedures, which is</p> <p>20 actually policy. Crimes Code. As it got further</p> <p>21 into it, it was basically identified narcotics.</p> <p>22 Safety issues. Car stops. Ped stops.</p> <p>23 Q. So they taught you a wide range of</p> <p>24 different police activities in order to prepare</p>
<p style="text-align: right;">Page 14</p> <p>1 correct?</p> <p>2 A. That's correct.</p> <p>3 Q. And is that something that you are</p> <p>4 doing knowingly?</p> <p>5 A. Yes, I am.</p> <p>6 Q. Okay. You do understand that you have</p> <p>7 a right to have an attorney represent you?</p> <p>8 A. Yes, I do.</p> <p>9 Q. And you are waiving that right and</p> <p>10 you're going to represent yourself?</p> <p>11 A. That's correct.</p> <p>12 Q. Okay. Now, I guess to start -- well,</p> <p>13 first of all, do you have any questions about</p> <p>14 those instructions?</p> <p>15 A. No, I don't.</p> <p>16 Q. And of course you're under oath.</p> <p>17 A. Yes, I am.</p> <p>18 Q. Okay. Let's start from the beginning.</p> <p>19 Why don't you start with high school. What's your</p> <p>20 history of high school?</p> <p>21 A. Graduated Overbrook High School, 1987.</p> <p>22 Q. Okay. How long did you attend high</p> <p>23 school for?</p> <p>24 A. Four years.</p>	<p style="text-align: right;">Page 16</p> <p>1 you to be a police officer, correct?</p> <p>2 A. Yes, they did.</p> <p>3 Q. All right. Now, tell us what happened</p> <p>4 once you graduated from the Academy. Where were</p> <p>5 you first employed as a police officer?</p> <p>6 A. I went down to the 9th District, which</p> <p>7 I actually walked the Center City beat. It was a</p> <p>8 Christmas beat. Walked it for maybe about three</p> <p>9 to four months. Then I was transferred to the</p> <p>10 16th District, which I did the majority of my time</p> <p>11 with, about ten years at the 16th.</p> <p>12 Q. Okay. And what did you do -- when you</p> <p>13 were at the 16th District, what was your -- some</p> <p>14 of your duties?</p> <p>15 A. I started out as a patrol officer in</p> <p>16 uniform in a police car, marked police car. Once</p> <p>17 I left, I was in a plainclothes burglary team. It</p> <p>18 was actually slash narcotics. We were doing a lot</p> <p>19 of narcotics, too.</p> <p>20 Q. Okay. But you were still -- at that</p> <p>21 point you were still a uniformed officer?</p> <p>22 A. Towards the tail end -- I was still</p> <p>23 considered on patrol, on a patrol bureau. Even</p> <p>24 when I was in plainclothes I was still considered</p>

Page 17	Page 19
<p>1 patrol. I didn't get to the special patrol until</p> <p>2 I came to the Narcotics Bureau.</p> <p>3 Q. And when was that?</p> <p>4 A. Roughly around '99.</p> <p>5 Q. Was that something -- did you have to</p> <p>6 take a test or --</p> <p>7 A. No.</p> <p>8 Q. So how do you -- how do you become a</p> <p>9 narcotics officer?</p> <p>10 A. Basically, you put your transfer</p> <p>11 paperwork in. It goes through the supervisors,</p> <p>12 eventually gets to narcotics, which you have an</p> <p>13 interview. Then from there they decide if they</p> <p>14 want to take you or not, approve or disapprove</p> <p>15 you. Just wait on them -- for them to call and</p> <p>16 then you go.</p> <p>17 Q. Do you recall your interviews in order</p> <p>18 to become a narcotics officer?</p> <p>19 A. No. It's too far back.</p> <p>20 Q. Okay. But do you recall there being a</p> <p>21 series of interviews, or was there one interview?</p> <p>22 A. I may get two. If I can remember, it</p> <p>23 was probably two, preliminary and then the second</p> <p>24 one.</p>	<p>1 just to -- street level narcotics, which is</p> <p>2 actually watching people on the street, calling a</p> <p>3 team in to take them down.</p> <p>4 Plainclothes would be more of</p> <p>5 an investigation. You would actually do buys,</p> <p>6 interviewing informants, getting sources of</p> <p>7 information, doing arrest warrants. It's more in</p> <p>8 detail, long-term jobs. That's -- investigation</p> <p>9 work is plainclothes. It's like a detective but</p> <p>10 you're not a detective.</p> <p>11 Q. Who determines which unit you're going</p> <p>12 to go into with regards to the narcotics?</p> <p>13 A. Well, at times before I came in</p> <p>14 narcotics some people would get transferred from</p> <p>15 the district right to narcotics but as it -- when</p> <p>16 I went through the steps to go into narcotics they</p> <p>17 wanted us to go into uniform, which is the strike</p> <p>18 force, then you went to the plainclothes</p> <p>19 narcotics.</p> <p>20 They basically wanted to wean</p> <p>21 you through instead of just going from one point</p> <p>22 to another and you're moving.</p> <p>23 Q. How long were you a uniformed</p> <p>24 narcotics officer for; what period of time?</p>
Page 18	Page 20
<p>1 Q. And then you became a narcotics</p> <p>2 officer?</p> <p>3 A. Yes. From there you -- once you get</p> <p>4 into the Bureau you go to a training course.</p> <p>5 You're basically identifying the packaging of</p> <p>6 drugs, a refresher course, so you know what you're</p> <p>7 looking at when you actually go in.</p> <p>8 Q. Okay.</p> <p>9 A. This will be in the strike force.</p> <p>10 Strike force has a class. In Philly you don't</p> <p>11 have no class --</p> <p>12 Q. What do you --</p> <p>13 A. -- the strike force. The uniform part</p> <p>14 has the class.</p> <p>15 Q. Could you explain the different</p> <p>16 narcotic units before we go on to your history.</p> <p>17 A. Well, you have two types. You have</p> <p>18 the uniform which is considered the strike force,</p> <p>19 and then you have the plain -- the strike force is</p> <p>20 basically dealing with surveillances. Sometimes</p> <p>21 they do buys but they stopped, but that just</p> <p>22 started -- when I was there we were doing -- they</p> <p>23 wasn't doing search warrants and then they started</p> <p>24 doing search warrants, but their main purpose is</p>	<p>1 A. Oh, it was within a year. Five to six</p> <p>2 months, something like that.</p> <p>3 Q. And I'm sorry, at what point did you</p> <p>4 become a narcotics officer?</p> <p>5 A. Around '99.</p> <p>6 Q. Okay. So you worked about six months</p> <p>7 as a uniformed narcotics officer in the strike</p> <p>8 force, correct --</p> <p>9 A. Yes.</p> <p>10 Q. -- the strike unit, and then -- is</p> <p>11 that a promotion? Did you become a</p> <p>12 plainclothes --</p> <p>13 A. No, it's no promotion. It's just --</p> <p>14 it's movement -- it's a lateral move. I mean,</p> <p>15 it's no promotion.</p> <p>16 Q. Okay.</p> <p>17 A. It's motion in pay because it's</p> <p>18 different, you know, your court time, overtime.</p> <p>19 Q. But your base pay is the same as the</p> <p>20 uniformed officer?</p> <p>21 A. The base pay is the same.</p> <p>22 Q. Okay. And at that point, when you got</p> <p>23 transferred into the -- that unit, you became a</p> <p>24 plainclothes officer?</p>

Page 21	Page 23
<p>1 A. At what point? I'm telling you at --</p> <p>2 Q. After your six months in the strike</p> <p>3 force.</p> <p>4 A. Yes.</p> <p>5 Q. Do you recall what unit you were</p> <p>6 assigned to at that time?</p> <p>7 A. It wouldn't be unit, it would be</p> <p>8 squad. I went to plainclothes.</p> <p>9 Q. Squad.</p> <p>10 A. It would be Genie Gessner's squad.</p> <p>11 That was the very first squad I went to.</p> <p>12 Q. Okay. Who is Genie Gessner?</p> <p>13 A. She was -- if I remember, she was one</p> <p>14 of the first female sergeants in the narcotics</p> <p>15 unit.</p> <p>16 Q. Do you recall who was in your squad</p> <p>17 with you at that time?</p> <p>18 A. Yes. It was Police Officer Norman,</p> <p>19 Brian Reynolds, Sean Kelly, Monaghan, Brad</p> <p>20 Mitchell, Jimmy Johnson, Carl Stubbs, Sylvia</p> <p>21 Jones.</p> <p>22 Q. Okay. And they were all plainclothes?</p> <p>23 A. Yes.</p> <p>24 Q. Tell us what some of your duties in</p>	<p>1 search warrant, which actually makes you an</p> <p>2 affiant.</p> <p>3 Q. Now, when you say "a lead</p> <p>4 investigator," explain that a little bit more in</p> <p>5 detail.</p> <p>6 A. The person that's actually controlling</p> <p>7 the job. All the responsibility falls on them.</p> <p>8 If something ain't right it falls on them.</p> <p>9 Q. Is that -- was that a function that</p> <p>10 was solely to a supervisor, or was that some --</p> <p>11 another peer? In other words, in your group of</p> <p>12 the individuals you just named, could you -- in</p> <p>13 other words, could you be a lead investigator?</p> <p>14 A. Yes, you can. I mean, sometimes the</p> <p>15 supervisor may assign you a job or you may --</p> <p>16 during the course of your duties you may come upon</p> <p>17 a job which you actually want to start an</p> <p>18 investigation on.</p> <p>19 Q. Okay. So whose decision would it be</p> <p>20 to designate, say, if you were the lead</p> <p>21 investigator? Whose decision would it be?</p> <p>22 A. Sometimes it would be the supervisor.</p> <p>23 If it's a job that comes down through a phone call</p> <p>24 or comes down from up top, you know, and it would</p>
Page 22	Page 24
<p>1 this squad were. In other words, I understand</p> <p>2 it's narcotics, but was there different functions</p> <p>3 in that squad as opposed to the strike force</p> <p>4 squad?</p> <p>5 A. Yes, it's more detailed</p> <p>6 investigations. You will actually the first time</p> <p>7 will make buys.</p> <p>8 It's more -- everything's in</p> <p>9 detail. You're interviewing sources of</p> <p>10 information, which is actually guys you lock up</p> <p>11 end up telling you things and you checking out</p> <p>12 what they told you, developing jobs, signing up</p> <p>13 people who want to be informants, which is paid by</p> <p>14 the City, which you have to go through a process</p> <p>15 to do that. It's more in detail.</p> <p>16 Q. Would you -- would part of your</p> <p>17 functions be being the affiants in --</p> <p>18 A. Yes.</p> <p>19 Q. -- affidavits of search warrants?</p> <p>20 A. Yes. You'd be -- an affiant is a</p> <p>21 person who is actually -- is a lead investigator</p> <p>22 of the job. It's like you do a job, you're the</p> <p>23 lead investigator and you actually start your own</p> <p>24 investigation, which would end up leading into a</p>	<p>1 be a narcotics complaint, the supervisor may</p> <p>2 assign it to you. If it doesn't get assigned</p> <p>3 anything, then you're out doing your course of</p> <p>4 duties, you come across a job that you actually</p> <p>5 want to start investigating.</p> <p>6 Q. So at that time when you first started</p> <p>7 in that position it was -- Sergeant Gessner was</p> <p>8 the supervising officer?</p> <p>9 A. She is my first sergeant.</p> <p>10 Q. Who was her supervisor?</p> <p>11 A. I believe it was Lieutenant Dominick</p> <p>12 was her supervisor. Yes, it was.</p> <p>13 Q. And who would -- at that time who</p> <p>14 would Lieutenant Dominick report to?</p> <p>15 A. It would be the captain, but from my</p> <p>16 memory it was Captain Tessa, who actually retired</p> <p>17 a long time ago.</p> <p>18 Q. And then the captain would report to</p> <p>19 whom?</p> <p>20 A. I can't even remember that.</p> <p>21 Q. All right. So you're working in this</p> <p>22 unit, and you said you were in that unit for about</p> <p>23 ten years?</p> <p>24 A. What, I was in the unit -- what, the</p>

Page 25

1 Narcotics Bureau?
 2 Q. Yes.
 3 A. From '99 to my arrest, 2013.
 4 Q. Okay.
 5 A. So you can count how many that is.
 6 Q. And was that unit broken up into
 7 different units?
 8 A. It would be different squads.
 9 Q. Okay.
 10 A. What you have is like this. You have
 11 a lieutenant, who is responsible for maybe three
 12 to four squads. I will call them like platoons.
 13 That's his platoon. What's in that platoon, you
 14 have the squad. You may have maybe three to four
 15 lieutenants who has a platoon. Again, within that
 16 platoon you have squads, a number of squads.
 17 What's in those squads, you
 18 have a number of people in those squads. Within
 19 those squads you have supervisors who actually
 20 report to a lieutenant, and then from the
 21 lieutenants everybody report to the captain.
 22 Q. All right. So let me -- I'm going to
 23 give you a hypothetical. And I didn't give you
 24 this instruction before, but if I give a

Page 26

1 hypothetical that means I'm --
 2 A. Okay.
 3 Q. -- giving you a hypothetical.
 4 If -- back then when you were
 5 in that unit if you had, say, a job, you made a --
 6 you had an investigation, a narcotic
 7 investigation, tell us again in as much detail as
 8 you can what the procedure would have been.
 9 And let's assume you had a
 10 source, a confidential source, give you
 11 information. What was the procedure back then as
 12 to how you would proceed and who you would have to
 13 report to?
 14 A. Okay. The source, again, can be
 15 anyone. Confidential makes it to the point you
 16 don't want no one to know who it is. Someone
 17 tells you something, they could still be a source.
 18 It don't have to be confidential.
 19 Basically that person, him or
 20 her, will tell me something, and I will go out and
 21 check it out and see if it's right. That's as far
 22 as they -- their part of this job is if you tell
 23 me something, I'm going to go look at it. If it's
 24 right, we may communicate back and forth on a

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1 continuous basis but that's as far as you're going
 2 with it.
 3 Q. Let me -- let me just stop you there.
 4 When you say "check it out," what do you mean?
 5 A. Looking to corroborate it, checking
 6 and make sure -- like if someone tells you
 7 everything in detail about something you're going
 8 to go out there and you're going to look at it and
 9 make sure everything they told you is what it is.
 10 That's what a source of information is.
 11 Q. Okay. So you will go out there and
 12 mount some kind of an investigation?
 13 A. You actually go out there and see what
 14 they're telling you.
 15 Q. Okay. Would you run checks? In other
 16 words, if they said that they were doing some drug
 17 sales from a certain property, would you run a
 18 property check?
 19 A. Everything. You got to do a property
 20 check, which is a real estate check. You'll do a
 21 check and see if any arrests has been in that
 22 area. You can identify some names through
 23 complaints, disturbances. You would do a voter's
 24 registration check to see if you can get any

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1 identifying names through that.
 2 And if you find any names on
 3 anybody you do a criminal history check and see if
 4 any of your people the source is identifying that
 5 you know their criminal history and the area of
 6 the address that may have been using and its
 7 locations other than the location you're looking
 8 at.
 9 Q. Now, let's assume that you go out and
 10 things check out. What's the next step?
 11 A. If things check out, you check out
 12 with -- the source of information tell you
 13 something, everything is in more in detail, and if
 14 you have a chance to communicate back with the
 15 informant, who is going to actually give you more
 16 detail, which is good, because sometimes it's --
 17 the informant -- the source of information is
 18 giving you a one-time information.
 19 Then you have to proceed with
 20 either a police officer doing an undercover buy or
 21 use a confidential informant, and that's the next
 22 step after a source of information.
 23 A confidential informant is
 24 normally signed up. In the process of a

7 (Pages 25 to 28)

<p style="text-align: right;">Page 29</p> <p>1 confidential informant signing you're doing their 2 biographical information, which is a 229, 3 history -- you're doing a criminal history check. 4 You make sure you're getting the addresses, where 5 they living at, where you can find them, telephone 6 numbers. 7 Once you get that done, you're 8 giving it to your supervisor. He over -- he's 9 looking and making sure everything's correct. 10 Once that is done it's going to 11 a -- it's getting sealed in an envelope and it's 12 sent up to the ICO, which is the Integrity Control 13 Board, which is actually where all the 14 confidential informants' paperwork is at. It's 15 nowhere else but there. It's sealed. 16 Once they do their checks, 17 within a period of time they'll send you a CI 18 number, which is an identification of the 19 informant. Once you get that -- I forgot one more 20 other thing before you give it to your 21 supervisors. 22 The CI is actually informed on 23 what he can do and what he cannot do. He cannot 24 gather information during criminal activity. He</p>	<p style="text-align: right;">Page 31</p> <p>1 you the process of using an informant if you 2 choose to use an informant. 3 The other way you can skip past 4 all that and use a cop, meet up with a police 5 officer, who is also -- who is trained to do 6 undercover purchases, and that's all on the fly 7 anyway because there's no really course for that, 8 and he can go do the buy for you, and then you're 9 acting on the information he gives you, and you 10 establish your probable cause and it would lead 11 into a search warrant. 12 Q. Now, after -- let's assume, again, a 13 hypothetical, you get all this information and you 14 give it to the supervisor, the supervisor approves 15 it, it goes all the way up the chain, it's 16 approved, do you then go out and set up some kind 17 of surveillance to determine whether there 18 actually is narcotics sales? 19 A. Yeah, that's being -- it's different 20 ways you can do it. I mean, I'm telling you 21 from -- beginning from the source of information 22 tells you something, you go out, you always going 23 look at it. Now, if you're going and dealing with 24 an informant or a police officer you're going to</p>
<p style="text-align: right;">Page 30</p> <p>1 cannot get any arrests, any things that can cause 2 him to be deactivated, and they also was told that 3 we'll try our best to try to keep your identity 4 concealed but it's not guaranteed, and then they 5 sign a form and then it's given to a supervisor. 6 The supervisor overlooks it and 7 makes sure it's right and it's sealed in an 8 envelope and he sends it up through the chain of 9 command and it end up with the ICO officer, and 10 within a few days they'll send you a CI number, 11 and from there you meet up with the informant, 12 which is actually on record now through the 13 department with the supervisor, and you basically 14 brief the informant on any information the 15 informant's going to give you or any jobs that you 16 want to send the informant on. 17 Q. Jeffrey, you said you give this 18 information to the supervisor. Is this before, 19 during or after you're doing the initial 20 investigation with regards to the information that 21 was provided? 22 A. This is all before you even do an 23 investigation. If you want to use an informant 24 you have to go through the process. I'm telling</p>	<p style="text-align: right;">Page 32</p> <p>1 go out there again and look at it. 2 You're going to do your 3 surveillance and watch the activity going on. 4 With the informant it be a controlled purchase. 5 With the cop it would be just basically watching 6 the cop's back if he falls into needing some type 7 of help getting to a location if, you know, 8 they're doing a buy and then coming back to where 9 he's going. 10 Q. Okay. We're going to get into some of 11 these other issues in detail, but just generally, 12 once you complete your investigation, whether 13 that's including the sources of information, you 14 had to independently corroborate that, correct? 15 A. Yes. 16 Q. Through observations. Okay. 17 At some point is that 18 information included in either a search warrant or 19 an arrest warrant or whatever? 20 A. It wouldn't get to an arrest warrant 21 yet, unless you're doing a job and you don't have 22 a search warrant and you're trying to arrest the 23 person that you did a buy from, then it go into an 24 arrest warrant.</p>

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<p>1 Q. Okay.</p> <p>2 A. There's -- also there's formal</p> <p>3 affidavit, too.</p> <p>4 Q. Okay. We'll get into that.</p> <p>5 All right. So this is what you</p> <p>6 did approximately for ten years up until your</p> <p>7 arrest in 2013?</p> <p>8 A. A little over ten years it might have</p> <p>9 -- from '99 to 2013.</p> <p>10 Q. This is where I'm going to ask you to</p> <p>11 approximate. How many jobs, narcotics jobs, did</p> <p>12 you do over that period of time?</p> <p>13 A. I can't even count, honestly.</p> <p>14 Thousands.</p> <p>15 Q. And in those cases, were you lead</p> <p>16 investigator in some of those cases?</p> <p>17 A. Towards the tail end I was, because</p> <p>18 basically at the beginning part I was -- wasn't</p> <p>19 doing too much of any jobs. I was actually a</p> <p>20 person that was actually eyes. I wasn't lead</p> <p>21 investigator, put it that way, I was part of a</p> <p>22 group where it was other people that was lead</p> <p>23 investigators. I was the help.</p> <p>24 Q. You say the eyes, what do you mean?</p>	<p>1 Q. How would that work? Explain</p> <p>2 generally how a search would work.</p> <p>3 A. You're talking about search for what?</p> <p>4 You're talking a search of a house? A car? What?</p> <p>5 Q. I'm talking searching a house, yes,</p> <p>6 where you believe there's narcotics or other</p> <p>7 contraband.</p> <p>8 A. Okay. Once you get probable cause,</p> <p>9 which is the affiant, you're going to do a search</p> <p>10 warrant. Within that search warrant you're going</p> <p>11 to do a raid plan. You're going to have a meeting</p> <p>12 with the group, your group. We'll have the proper</p> <p>13 amount of people to enter these houses.</p> <p>14 Once you -- either you do a buy</p> <p>15 or whatever -- how you would choose to do it with</p> <p>16 the informant you will actually go in -- go to the</p> <p>17 location. If they don't answer the door you're</p> <p>18 going to do a knock and announce. Give them a</p> <p>19 reasonable amount of time, some -- some people say</p> <p>20 60 seconds, which is a minute, some people say</p> <p>21 less than that. It's -- I don't know. Can't give</p> <p>22 you an approximate time, I know it's a reasonable</p> <p>23 amount of time, a short reasonable amount of time.</p> <p>24 If they don't come to the door</p>
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<p>1 A. Sometime I go out and do</p> <p>2 surveillances. I may use a CI. But there's</p> <p>3 always a lead investigator. Like you may call me</p> <p>4 for a job and I may help you with your job.</p> <p>5 Q. Did you ever -- in that period of time</p> <p>6 did you ever personally make any buys?</p> <p>7 A. I think in my time I may have made one</p> <p>8 buy, and I think I gave a guy -- I was so nervous</p> <p>9 I gave a guy a dollar. It was supposed to have</p> <p>10 been \$10, and after that I was -- wasn't doing it</p> <p>11 no more.</p> <p>12 Q. You ripped him off.</p> <p>13 A. No. He told me, yo over here, you</p> <p>14 gave me a dollar, and I turned around and --</p> <p>15 sorry. No more. I gave him \$10.</p> <p>16 Q. Okay. Were you -- during that period</p> <p>17 of time again, were you responsible for doing --</p> <p>18 conducting searches, being on a search team?</p> <p>19 A. Yes.</p> <p>20 Q. How many searches did you participate</p> <p>21 in, again, if you can approximate?</p> <p>22 A. I can't even count.</p> <p>23 Q. Thousands?</p> <p>24 A. Thousands.</p>	<p>1 you're going to forcibly enter the door. Once you</p> <p>2 go to -- enter the property, everyone within that</p> <p>3 raid plan will have designated areas where they're</p> <p>4 supposed to go. No one's going to go out of their</p> <p>5 designated area until everything settles.</p> <p>6 It's going to be -- within the</p> <p>7 group someone's going to have control of the</p> <p>8 prisoners, which is going to be a designated area</p> <p>9 of the house. Normally that would be the living</p> <p>10 room.</p> <p>11 From that point you have your</p> <p>12 search teams. Any time someone finds something</p> <p>13 they're supposed to let the affiant know and the</p> <p>14 supervisor know, especially when it come down to</p> <p>15 money. When it's found we called the affiant, you</p> <p>16 call the supervisor, you point it out. Some</p> <p>17 people take pictures. Some people don't.</p> <p>18 We put it in an evidence bag,</p> <p>19 which actually has the officer who saw it, it</p> <p>20 would say confiscated, but again, the affiant's</p> <p>21 responsibility is to confiscate all evidence.</p> <p>22 You're just pointing it out. Put it in an</p> <p>23 evidence bag, the location where it was at and who</p> <p>24 found it.</p>

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<p>1 Come down to money, again, the</p> <p>2 affiant and the supervisor is responsible for</p> <p>3 that. No money is counted in the houses. If you</p> <p>4 find money on someone in a house, feel free to</p> <p>5 count it in front of them. They can sign a 48</p> <p>6 agreeing to that's how much was taken from them.</p> <p>7 It's put in the evidence bag. With the evidence</p> <p>8 bag, again, who took it, the location and the</p> <p>9 time.</p> <p>10 Once the searching is done, all</p> <p>11 the evidence collected, it's all taken into</p> <p>12 headquarters, and the affiant will prepare a</p> <p>13 summary sheet, a handwritten summary sheet, who's</p> <p>14 the arresting officers, the locations, the items</p> <p>15 taken from each person, put it on the summary</p> <p>16 sheet.</p> <p>17 Next to the summary sheet will</p> <p>18 be the property receipts. You sign the property</p> <p>19 receipts out, and within those property receipts</p> <p>20 wherever -- you categorize whatever is taken, the</p> <p>21 time, you're putting those property receipt</p> <p>22 numbers near there.</p> <p>23 Once everything is looked --</p> <p>24 looking over everything you have, make sure</p>	<p>1 on the wrong date, correct it.</p> <p>2 Q. Is there a memo or anything required</p> <p>3 to do that or you just make a phone call?</p> <p>4 A. No, you just make a phone call. I've</p> <p>5 done -- I've made mistakes many times on entering</p> <p>6 property receipts on the wrong date.</p> <p>7 Q. Will there be some kind of --</p> <p>8 something memorializing that there was a mistake</p> <p>9 made, whether it's in the computer --</p> <p>10 A. Yes, it will be. I mean, if you -- if</p> <p>11 you enter a property receipt on the wrong date</p> <p>12 it's got to get a printout of the property receipt</p> <p>13 from the computer printout. It's going to come</p> <p>14 over the teletype. And it says -- going to say</p> <p>15 the time and date, and then you look at it, oh, I</p> <p>16 entered this on the wrong date.</p> <p>17 So what you got to do is wait</p> <p>18 for the evidence to open up and then you tell</p> <p>19 them, listen, take it out, I'm going to re-enter</p> <p>20 it back in.</p> <p>21 Q. Now -- and again, we're going to get</p> <p>22 into more detail on that later, but how about with</p> <p>23 respect to were you ever an affiant in a search</p> <p>24 warrant during that period of time?</p>
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<p>1 everything is correct, because we're doing it as a</p> <p>2 group, then you make copies and you pass them out</p> <p>3 to your people in your unit.</p> <p>4 If an officer's name is on a</p> <p>5 property receipt he's not asked -- the person --</p> <p>6 if you're doing a summary sheet and if I give you</p> <p>7 a property receipt and it's blank and I tell you</p> <p>8 to help me out to fill it out you're going to</p> <p>9 actually type my name on it. It doesn't mean I</p> <p>10 filled it out, someone else filled it out, but</p> <p>11 when it comes back to me it's my responsibility to</p> <p>12 overlook and make sure everything is right.</p> <p>13 And then from that point the</p> <p>14 supervisor sees it, he makes sure everything is</p> <p>15 right, too, and then it's signed and then it's</p> <p>16 entered into the system on a date and time. If</p> <p>17 you make a mistake you must contact the evidence</p> <p>18 and take it out and re-enter it. If it's a</p> <p>19 mistake and you entered on the property receipt</p> <p>20 the wrong date you got to fix that.</p> <p>21 Q. How would you fix it?</p> <p>22 A. You call the evidence. It all depends</p> <p>23 on what it is. You call the evidence or you call</p> <p>24 the chemical lab and you say I entered something</p>	<p>1 A. Yes, I was.</p> <p>2 Q. Okay. Again, approximately.</p> <p>3 A. When I were the affiant?</p> <p>4 Q. Yes.</p> <p>5 A. How many times?</p> <p>6 Q. Yes.</p> <p>7 A. Thousands.</p> <p>8 Q. As the affiant in the search warrant,</p> <p>9 are you responsible to ensure that the information</p> <p>10 contained in the search warrant or in the</p> <p>11 affidavit is correct?</p> <p>12 A. Yes. All responsibilities totally</p> <p>13 falls on you.</p> <p>14 Q. Okay. As the affiant do you glean</p> <p>15 other information from other police officers with</p> <p>16 respect to what's going to be contained in that</p> <p>17 affidavit?</p> <p>18 A. What do you mean by "glean"?</p> <p>19 Q. Do you -- in other words, do other</p> <p>20 officers tell you their portion of the job that</p> <p>21 they did and then that's something that you get --</p> <p>22 you embody in the --</p> <p>23 A. Yeah. You gather information from</p> <p>24 whoever is doing surveillances or any information</p>

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<p>1 you might have that need to be put into the story.</p> <p>2 Q. Okay. But my question is, do you</p> <p>3 know -- when you put it in the Affidavit of</p> <p>4 Probable Cause you are -- as the affiant you're</p> <p>5 the one responsible to ensure that that</p> <p>6 information is correct?</p> <p>7 A. That's correct.</p> <p>8 Q. All right. Now, Jeff, you mentioned</p> <p>9 that you were arrested in 2013. Why don't you</p> <p>10 tell us, again, in as much detail as you can, what</p> <p>11 happened.</p> <p>12 A. I was arrested May 22nd, 2013. I</p> <p>13 was using -- misusing confidential informants. I</p> <p>14 was doing something that was custom for me to do.</p> <p>15 I just got caught. I was helping another drug</p> <p>16 dealer rob another drug dealer.</p> <p>17 I falsely prepared an Affidavit</p> <p>18 of Probable Cause, had it signed through the Bail</p> <p>19 Commission. I planted drugs on a person I found</p> <p>20 to be an informant that was given to me by another</p> <p>21 drug dealer, and once that informant was arrested</p> <p>22 I proceeded to go to, which I believed to be the</p> <p>23 person that I arrested that was an informant,</p> <p>24 house, and I entered the house with a key with the</p>	<p>1 Taking things that I feel as though they didn't</p> <p>2 deserve it.</p> <p>3 Q. Did you ever do that with any of your</p> <p>4 partners?</p> <p>5 A. Oh, most definitely.</p> <p>6 Q. Do you recall any specifics prior to</p> <p>7 being arrested where you actually did that with</p> <p>8 someone else, another officer?</p> <p>9 A. You mean specifics -- there's so many</p> <p>10 times when -- you mean you're talking specific</p> <p>11 jobs?</p> <p>12 Q. Yes, if you can remember.</p> <p>13 Well, let me -- strike that.</p> <p>14 Let's -- when did you -- do you</p> <p>15 recall when you first did that, the first time you</p> <p>16 did that?</p> <p>17 A. The first time I --</p> <p>18 Q. Let's start with stealing.</p> <p>19 A. Stealing.</p> <p>20 Q. The first time you stole.</p> <p>21 A. First it starts with lying.</p> <p>22 Q. Okay. When was the first time you</p> <p>23 lied?</p> <p>24 A. It starts with articulating in the</p>
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<p>1 informant, came out of there with \$15,000 in cash</p> <p>2 and drugs and I was arrested.</p> <p>3 Q. Who arrested you?</p> <p>4 A. The FBI.</p> <p>5 Q. Jeff, had you ever done that in the</p> <p>6 past?</p> <p>7 A. Numerous. It's custom to do it. What</p> <p>8 I'm saying custom, it was natural.</p> <p>9 Q. What do you mean by that?</p> <p>10 A. Okay. I was -- I was known to, again,</p> <p>11 use lies, confidential informants wrong, gathering</p> <p>12 information, using them as informants. It was</p> <p>13 actually sources of information. Not putting</p> <p>14 houses in warrants, nor that should be in</p> <p>15 warrants. Going to the houses, securing houses</p> <p>16 without warrants, searching. If there's nothing</p> <p>17 there move on and don't put it -- put it in the</p> <p>18 story. Stealing.</p> <p>19 Q. Again, if you can approximate how many</p> <p>20 times prior to -- before the FBI arrested you did</p> <p>21 you do that?</p> <p>22 A. It was custom to do it. It was</p> <p>23 natural. When I say it's natural, in my world</p> <p>24 nothing was wrong with that. Locking up bad guys.</p>	<p>1 part where basically using reason of suspicion and</p> <p>2 build it up to make it probable cause.</p> <p>3 Q. Okay, wait. What do you mean by</p> <p>4 articulation?</p> <p>5 A. Lying. It's basically making --</p> <p>6 making suspicion strong enough which gives you the</p> <p>7 probable cause to arrest someone.</p> <p>8 Q. And why would you do that?</p> <p>9 A. Sometimes you didn't know how you</p> <p>10 caught a person and you had to figure it out.</p> <p>11 You're catching -- running a guy down -- chasing a</p> <p>12 guy down the street and he got drugs and guns and</p> <p>13 from your observation you just saw the guy, he</p> <p>14 looked at you and he took off running. Then you</p> <p>15 caught him and you didn't know how to put it</p> <p>16 together so you came up with a story, and I</p> <p>17 learned that from working.</p> <p>18 Q. And --</p> <p>19 A. And then that -- from the stealing --</p> <p>20 from the lying, the stealing comes in right behind</p> <p>21 it.</p> <p>22 Q. Is it -- is it fair to say that you</p> <p>23 began lying and stealing when you first got into</p> <p>24 the narcotics?</p>

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<p>1 A. No, I became lying and stealing when I</p> <p>2 was in the 16th District, but it wasn't -- it</p> <p>3 didn't get out of hand until I came to the</p> <p>4 Narcotics Field because it's -- more opportunity</p> <p>5 presented itself.</p> <p>6 Q. Now, would you do that when you were</p> <p>7 the affiant? Remember I asked you about when you</p> <p>8 were affiant of the search warrants or an arrest</p> <p>9 warrant. Would you lie on those --</p> <p>10 A. Yes, I would.</p> <p>11 Q. -- affidavits?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. When you were on the search</p> <p>14 team -- now, you mentioned stealing. When you</p> <p>15 were on a search team searching a house would you</p> <p>16 steal money?</p> <p>17 A. Yes, I would.</p> <p>18 Q. Did you ever do that with any other</p> <p>19 police officers?</p> <p>20 A. Yes, I did.</p> <p>21 Q. Okay. A couple times? Once? Many</p> <p>22 times?</p> <p>23 A. Many times.</p> <p>24 Q. How would that work? If you were in a</p>	<p>1 to headquarters. Another way we split the money</p> <p>2 up is where we met in an isolated area and made</p> <p>3 sure there was no one looking at us. We open up</p> <p>4 the trunk of the car, and we had opportunities to</p> <p>5 go into the evidence bag, we went into the</p> <p>6 evidence bag.</p> <p>7 We had extra evidence bags,</p> <p>8 mind you, in our pockets where we took evidence</p> <p>9 out the bags that were sealed, and we actually</p> <p>10 took what we wanted to take and we resealed it.</p> <p>11 We split the money in that -- in that area.</p> <p>12 The next area, the next place</p> <p>13 would be we went inside headquarters. All the</p> <p>14 money were given to the designated person. A lot</p> <p>15 of times it would have been Thomas Liciardello,</p> <p>16 and go to the locker room, he make piles, and</p> <p>17 whoever is helping him, get his money. He would</p> <p>18 text you. You get a text on your phone and go to</p> <p>19 the locker room and get your money, or the person</p> <p>20 who got his money before you come tap you on the</p> <p>21 shoulder and say go get your money.</p> <p>22 Q. Jeff, how much money are we talking</p> <p>23 about?</p> <p>24 A. A few thousand. Going to be -- in the</p>
Page 46	Page 48
<p>1 house and you wanted to steal money how would you</p> <p>2 do that?</p> <p>3 A. First of all, you want to see who</p> <p>4 going to steal with you. You're going to develop</p> <p>5 a relationship with who's going to steal with you</p> <p>6 first. That comes way prior before you actually</p> <p>7 start stealing in a group. Even if it's someone</p> <p>8 outside the group you want to know who he is, make</p> <p>9 sure he's going -- if you steal somebody he ain't</p> <p>10 going to tell on you.</p> <p>11 In the group that I was part of</p> <p>12 we stole -- I'm going to say some names here in my</p> <p>13 group. The leader of the group was Thomas</p> <p>14 Liciardello. That was the main group. If you</p> <p>15 stole something and he was there you made sure he</p> <p>16 got something. If he was with another group</p> <p>17 within that group who we were with he got</p> <p>18 something from that group. But it got to the</p> <p>19 point where he didn't have to be there. He still</p> <p>20 got what he got.</p> <p>21 There was many ways we broke</p> <p>22 money up. Sometimes we broke money up, we all got</p> <p>23 in the car together, we split it up in the car</p> <p>24 going back to either another location or we going</p>	<p>1 cases where we were split the money up in the</p> <p>2 houses small amounts of money would be a few</p> <p>3 hundred to maybe 1,000, 2,000. When you talk</p> <p>4 about the real money, it was -- it would be -- it</p> <p>5 would be some money. I don't want to put numbers</p> <p>6 on anything. It would be a lot of money.</p> <p>7 I mean -- I mean in most cases</p> <p>8 I can -- I can tell you this. On every thousand</p> <p>9 that I had it was multiplied with them, because I</p> <p>10 knew -- and I was -- and I knew because the</p> <p>11 position I played in the early part of this whole</p> <p>12 situation was I got a piece of the pie. They had</p> <p>13 the pie. So I was grateful to get something. So</p> <p>14 it was a lot of money that was being moved around.</p> <p>15 Q. So more than 10,000? More than</p> <p>16 50,000?</p> <p>17 A. At times -- I made a statement earlier</p> <p>18 in my testimony in court the best of my ability</p> <p>19 was maybe -- at one occasion that I deal with</p> <p>20 Thomas Liciardello was maybe 50,000. That's the</p> <p>21 most I ever stole, and I think I split the -- I</p> <p>22 remember I split that up with just him. He didn't</p> <p>23 want me to tell no one else in the squad, because</p> <p>24 again, we were in that situation where if I took</p>

<p style="text-align: right;">Page 49</p> <p>1 something with him he didn't want to let -- there</p> <p>2 was no loyalty when it comes to stealing in the</p> <p>3 squad.</p> <p>4 Some people in the squad, as</p> <p>5 far as Perry, it was no loyalty with him. He</p> <p>6 would steal something and won't let nobody know</p> <p>7 until they find out that he stole something. And</p> <p>8 you can't lie to people who you stole something</p> <p>9 with that you didn't steal nothing. They're going</p> <p>10 to know right then. Give it up. He did give it</p> <p>11 up, but he won't give it all up and they find out</p> <p>12 later that it was more than what it was. So they</p> <p>13 really had a thing with him but he still stayed in</p> <p>14 the group. You know what I mean?</p> <p>15 I believe the person kept</p> <p>16 saving his ass was his partner Spicer because they</p> <p>17 had a relationship in the strike force. When --</p> <p>18 Perry was the next one to be pushed out of the</p> <p>19 squad and had to leave the squad but he kept being</p> <p>20 saved. It was easier for me to go, but --</p> <p>21 Q. Jeff, let me see ask you, is his --</p> <p>22 what you're describing now, is this something that</p> <p>23 the supervisors knew?</p> <p>24 A. The only supervisor I knew that was</p>	<p style="text-align: right;">Page 51</p> <p>1 THE WITNESS: Brian Reynolds.</p> <p>2 Brian Reynolds.</p> <p>3 MR. KRASNER: Is that who you</p> <p>4 meant before when you said Brian?</p> <p>5 THE WITNESS: Yes. Yes. And I</p> <p>6 would steal with Cujdik, the father. I was</p> <p>7 steal with him, I would steal with Reggie</p> <p>8 Graham, and that would be it. There was</p> <p>9 stealing in that whole squad but these are</p> <p>10 the people I was basically breaking bread</p> <p>11 with and -- I'm not done yet.</p> <p>12 BY MR. PILEGGI:</p> <p>13 Q. If -- go ahead. I'm sorry, go ahead.</p> <p>14 A. Left Chet squad. He retired. Went to</p> <p>15 McCloskey's squad. It was basically me, Tommy --</p> <p>16 Q. Tommy who?</p> <p>17 A. Liciardello. Brian wasn't there, it</p> <p>18 was Palmer. Me, Tommy and Palmer. Norman wasn't</p> <p>19 around because he was -- he was fired and he</p> <p>20 didn't even come back yet. Palmer left, made</p> <p>21 detective. Brian came on board again and it was</p> <p>22 just me, Tommy and Brian.</p> <p>23 MR. KRASNER: Mr. Walker, I</p> <p>24 hate to do it to you, but would you give us</p>
<p style="text-align: right;">Page 50</p> <p>1 stealing -- really knew I was stealing was Chet,</p> <p>2 Chester Malkowski.</p> <p>3 Q. How do you know he knew?</p> <p>4 A. Because when I was stealing Tommy</p> <p>5 would tell him. He was always telling me be</p> <p>6 careful. Tommy made sure he tell him everything.</p> <p>7 Q. What -- when you say Tommy, who are</p> <p>8 you referring to?</p> <p>9 A. Liciardello.</p> <p>10 Q. Now, who was in that group -- let's --</p> <p>11 again, this is a hypothetical. When you had --</p> <p>12 when you were going to chop up money, who was in</p> <p>13 that group?</p> <p>14 A. The main group was -- we're going to</p> <p>15 go from the beginning back to Genie. It was Sean</p> <p>16 Kelly, myself, Brian, Norman. I can't put nothing</p> <p>17 on Monaghan because he never stole nothing with</p> <p>18 me. When we go into leaving Genie Gessner's</p> <p>19 squad, we went into Chester Malkowski's squad. It</p> <p>20 was basically me, Tommy, Brian, Chet that was</p> <p>21 stealing, and periodically I would steal with</p> <p>22 Cujdik, his father.</p> <p>23 MR. KRASNER: Did you say Brian</p> <p>24 or Bryant?</p>	<p style="text-align: right;">Page 52</p> <p>1 full names.</p> <p>2 THE WITNESS: I'm sorry, sir.</p> <p>3 MR. KRASNER: Palmer's first</p> <p>4 name, for example?</p> <p>5 THE WITNESS: Lewis Palmer,</p> <p>6 Tommy Liciardello, Brian Reynolds and</p> <p>7 myself.</p> <p>8 BY MR. PILEGGI:</p> <p>9 Q. And who was the sergeant?</p> <p>10 A. It would be -- they moved around the</p> <p>11 sarge so much it would be between McCloskey and</p> <p>12 Chet, because Chet went with us when we got split</p> <p>13 up. We went to East Division. So at the</p> <p>14 beginning Chet was with us when we went from West</p> <p>15 Philly to East Division. That would be Northeast</p> <p>16 Division, like North Philly. It's on the Spanish</p> <p>17 part.</p> <p>18 MR. KRASNER: Chet who?</p> <p>19 THE WITNESS: Chet -- I'm</p> <p>20 sorry, Chet McCloskey (sic), Chester</p> <p>21 McCloskey, if I'm saying his name right.</p> <p>22 BY MR. PILEGGI:</p> <p>23 Q. And was there a certain name of that</p> <p>24 squad when you --</p>

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1 A. I wasn't done yet. There's a lot and
2 I'm trying to wean it out to you.
3 Q. Okay.
4 A. When we got with Chet -- not Chet,
5 Sergeant McCloskey -- the names are different.
6 You got Malkowski and you got McCloskey.
7 MR. KRASNER: Okay.
8 THE WITNESS: Chet Malkowski.
9 Make sure you get his name right. That was
10 the beginning part. That's who I was
11 stealing with, so he knew I was stealing.
12 Malkowski never -- you know, he knew -- I
13 believe he knew things were going on but
14 never stole anything with him.
15 The people in the squad I was
16 stealing with there would be Thomas
17 Liciardello, Brian Reynolds. Then with
18 Norman, Betts, John Speiser, Mike Spicer,
19 the regular group you see over there now.
20 MR. KRASNER: Indicating for
21 the record the deponent has gestured with
22 his right hand in the direction of the five
23 defendants who are seated in the courtroom.
24 Is that correct?

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1 THE WITNESS: Yes, and minus
2 Perry Betts.
3 MR. KRASNER: Yes.
4 THE WITNESS: Perry Betts was
5 there also.
6 MR. KRASNER: And Mr. Betts is
7 not present today.
8 THE WITNESS: Yeah, he's not
9 present today.
10 MR. KRASNER: Okay.
11 BY MR. PILEGGI:
12 Q. What was that squad called that you
13 just described, the one under Sergeant McCloskey?
14 A. What were we called?
15 Q. Yeah. I mean, was it broken up
16 into -- there was a fields unit. Was that how it
17 was --
18 A. VRT, was actually some Violent
19 Response team. We had several different names,
20 that we were -- they kept moving the names around,
21 but we were actually -- we were one of the
22 smallest squads in the whole entire building.
23 Q. Were you the elite squad at that time?
24 A. Yes. We got -- elite means we did the

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1 biggest jobs. We got the most attention. That
2 required us to have the most overtime. It was
3 more relaxed.
4 Q. Who ran that squad?
5 A. McCloskey. I keep getting these
6 names -- I'm out -- I'm falling out of this loop.
7 McCloskey, my last -- one of my last supervisors.
8 Q. Sergeant McCloskey.
9 MR. KRASNER: First name?
10 THE WITNESS: Sergeant
11 McCloskey.
12 MR. KRASNER: What's his first
13 name, please?
14 THE WITNESS: Man, I don't
15 remember.
16 MR. KRASNER: You don't
17 remember?
18 THE WITNESS: I'm throwing a
19 block in on half this crap.
20 MR. KRASNER: Okay.
21 BY MR. PILEGGI:
22 Q. And he was the sergeant, correct?
23 A. Yes, he was.
24 Q. Who was the lieutenant at that time?

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1 A. Lieutenant Otto.
2 Q. Just give us -- if you could give us
3 an idea what the hierarchy was. In other words,
4 say there was a narcotics investigation. Would
5 you have to report directly to the sergeant or
6 could you bypass that and go to the lieutenant?
7 A. The only person do that was Thomas
8 Liciardello. No one else could do that.
9 Q. What do you mean by that?
10 A. He was special. He thought he was
11 above special. He could call the bosses, Captain
12 Warner, Blackburn. That's the ones I know mainly
13 he called all the time.
14 Q. Could you do that?
15 A. No.
16 Q. How do you know he did that? Were you
17 ever in his presence when he spoke to any of those
18 individuals?
19 A. Yes.
20 Q. Do you recall what the conversation
21 was about?
22 A. Basically talking about jobs, just
23 going -- discussing jobs. When he needed
24 something done, he needed to go outside his area,

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1 he had a specific job especially when the sergeant
 2 said he couldn't go nowhere, stay where he was
 3 supposed to stay at, and he was known to go to
 4 Otto for that one.

5 The sergeant told him to stay
 6 in South Philly, he's in Roxborough in somebody
 7 house. The sergeant lost so much control he told
 8 him listen, call the lieutenant and talk to the
 9 lieutenant. And eventually everybody will meet up
 10 out there. They're in the house and someone's
 11 left and they go prepare the search warrant for
 12 the location.

13 Q. Do you know how -- well, at what point
 14 did Tommy Liciardello come to the unit? You had
 15 mentioned when you were in with Chet --

16 A. He came and went straight to Chester
 17 McCloskey. He came after -- right after I did he
 18 came.

19 Q. About what? What year, do you recall?
 20 A. I don't know.
 21 Q. 2000?
 22 A. Somewhere around there.
 23 Q. Okay. Do you know how he got in that
 24 unit?

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1 A. He always bragging that Chitwood,
 2 before he left he threw him a bone and got him
 3 into narcotics before he left Chitwood. I don't
 4 know his first name. The younger son, Chitwood,
 5 the one who left.

6 Q. Do you know if any of his family
 7 members were police officers?

8 A. His dad was a narcotics sergeant who
 9 bragged about him, too.

10 MR. KRASNER: Who is the dad?
 11 THE WITNESS: I don't know who
 12 his dad is.

13 MR. KRASNER: No, whose dad
 14 when you say "his dad"?
 15 THE WITNESS: Tommy
 16 Liciardello's father. He bragged about him.
 17 I think when Tommy came aboard -- first
 18 started working with Tommy with Chester
 19 McCloskey we went to his father's CI store
 20 and -- he was a bragger. He always bragged
 21 about his father stealing money, how he
 22 stole money from his dad's money he had
 23 hidden.

24 You know, he always had -- he

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1 just -- he just had everything. He always
 2 couldn't keep his mouth shut about what he
 3 had and what he could do. He bragged a lot
 4 and...

5 BY MR. PILEGGI:
 6 Q. Can I ask you, did you ever socialize
 7 with Tom Liciardello?

8 A. Yes. We were close. I mean, when his
 9 kid was born I took him to the hospital. We were
 10 close, man. We were like -- I'd like to say one
 11 time we could put our lives on the line for each
 12 other, really do it. Had no problem doing that.

13 Q. Jeff, did you ever hang out with him
 14 socially?

15 A. Yes. We were close. We went out.
 16 Q. Where?

17 A. A lot of times bars. We would drink.
 18 Heavy drinkers, all of us. We were all drunks.
 19 We went to bars like go-go bars. Didn't frequent
 20 a lot of those toward the end. But we would go to
 21 Atlantic City while we were working.

22 That was a big thing with
 23 Chester McCloskey. I went a couple -- at least
 24 once I can remember we went while we were working.

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1 Took my car. But they would always go before me.
 2 Just doing a lot of hanging out, you know, DA
 3 parties, defense attorneys parties, partying and
 4 drinking, carrying on.

5 Q. Did you ever drink on duty?
 6 A. Yes, we did. We had a beer -- I can
 7 recall we had a refrigerator full of beer in
 8 the -- we made sure we had our beer, wine,
 9 coolers. Drank while we were working. Drank
 10 while we was processing jobs. Drank when we were
 11 in people houses, securing houses. It was a
 12 party.

13 Q. How about in court? Did you ever --
 14 let me ask this. You said you went to Atlantic
 15 City, I take it to gamble?

16 A. Yeah. I wasn't a table guy, I was a
 17 slot machine.

18 Q. Oh. Did you ever go to Atlantic City
 19 and gamble with some of the moneys that you
 20 already testified that you stole?

21 A. I can't tell you where they would
 22 get -- what type of money they were gambling with
 23 but they were gambling with lots of money. I
 24 couldn't tell you how much money they would gamble

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1 with towards the tail end because I wasn't part of
2 them -- them gambling. They would go to the
3 SugarHouse. When SugarHouse opened up it was the
4 SugarHouse thing, everyone going down to Delaware
5 Avenue. I wasn't no part of that.

6 So I knew they had money going
7 down there, lots of money, but you know, going on
8 my assumption they was always stealing. I mean,
9 even when I left the squad, I mean, I know that it
10 was more of enticement -- when we get money and
11 you're not part of what we're doing. Like
12 there'll be times I be in the locker room and I'll
13 hear John and Tommy talking and they're --

14 Q. You've got to say --

15 A. John Speiser. Keep reminding me of
16 that.

17 MR. KRASNER: Continue. Tommy?

18 THE WITNESS: Liciardello, be
19 counting up money in the locker room and I
20 would know it, you know.

21 And as far as the gambling
22 part, yeah, they were -- they were gambling.
23 Now, the people that were gambling that I
24 knew of would be Brian Reynolds, Michael

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1 case and you know you have to provide testimony.
2 Tell us how there would be articulation with
3 regards to that particular -- the prosecution of
4 that particular case.

5 A. Well, articulation would be done on
6 the paperwork before you even get to the case,
7 because once it's on that paper you're going to
8 stick to the story that you already have. So all
9 that's done prior to even going to court. You're
10 just sticking to the story that you're using when
11 you're going to court. So ain't no more
12 articulation after that, you're just sticking to
13 whatever you wrote.

14 Q. But is there at some point before --
15 say you're going to testify. Obviously the other
16 officers are sequestered from the room. As a
17 group, do you get together and say this is -- this
18 is how we're going to present the case?

19 A. Yes, we do, we have a discussion, but
20 again, everything goes back to that paperwork.
21 Stick to that paperwork.

22 Q. Now, we're going to fast forward a
23 little bit. Let's get to your arrest. Now, you
24 were arrested. You were sentenced, correct?

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1 Spicer, Tommy Liciardello. That would be
2 the ones that ran the most. I'm not sure if
3 Perry Betts was a big gambler but he was
4 always close by with those guys.

5 BY MR. PILEGGI:

6 Q. Did you ever do any gambling in the
7 courthouse?

8 A. Yes, it was. There was gambling in
9 the side rooms. That would be dealing with other
10 officers. It would be mainly Thomas Liciardello,
11 Brian Reynolds, Michael Spicer. I don't know too
12 much John, I didn't really see him gamble, but it
13 would be with the other officers. I can't say
14 their full name. I know them by the -- a couple
15 black officers. They would be gambling with money
16 while the court is in session, while someone's on
17 the stand, someone be guarding the door, and
18 they'll come in and whoever's next they'll go in,
19 but the DA would never see the money. The money
20 would be off the tables. The only thing would be
21 on the table is the cards.

22 Q. Jeff, could you explain a little
23 bit -- when you were in court, let's say you had a
24 case and you're one of the officers that worked a

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1 A. Yes, I was.

2 Q. Explain what your sentence was and
3 what happened after you were sentenced.

4 A. I was sentenced to 42 months.

5 Q. Incarceration?

6 A. Yes. Out of forty-two months I spent
7 28 months in isolation.

8 Q. Incarcerated?

9 A. Yes. Then I was shipped out to
10 Oklahoma, which I stayed about three weeks. Then
11 I went to Kentucky, which I stayed for the
12 duration to March the 30th.

13 Q. Now, Jeff, after -- well, before you
14 were sentenced but after you were arrested, am I
15 correct that you cooperated with the Federal
16 Government?

17 A. Yes, I did.

18 Q. Okay. What was -- in what capacity
19 did you cooperate?

20 A. Cooperate fully.

21 Q. What did you do? My question wasn't
22 clear.

23 A. I gave information that I knew about
24 criminal activity.

16 (Pages 61 to 64)

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1 Q. Okay. And with regards to whom in
2 particular?
3 A. Yes. My squad I was with, amongst
4 other officers.
5 Q. Okay -- can you name?
6 A. Thomas Liciardello, Brian Reynolds,
7 Linwood Norman, John Speiser, Mike Spicer, Perry
8 Betts, Reggie Graham, Chester McCloskey. That's
9 all I can remember right now.
10 Q. Other than Chester McCloskey, do you
11 recall giving any information with regards to any
12 of the other supervisors?
13 A. Yes. The conduct that the supervisors
14 knew, the misconduct I was doing and the
15 misconduct done around me, where I knew the
16 supervisors knew what was going on, that would be
17 Chester McCloskey, Lieutenant Otto and Sergeant
18 Malkowski. Sergeant Meehan.
19 MR. KRASNER: I'm sorry, what
20 did you say?
21 THE WITNESS: Sergeant Meehan.
22 MR. KRASNER: Meehan.
23 THE WITNESS: Yeah.
24 MR. KRASNER: Do you know a

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1 Q. I was going to ask you that. Now,
2 that was with the Government, correct?
3 A. That's correct.
4 Q. Now, you did your time in
5 incarceration, correct?
6 A. Yes, I did.
7 Q. And why are you testifying today?
8 A. I just want to continue to tell the
9 truth, the full truth. It's more than just me.
10 Q. What do you mean?
11 A. It's a bigger truth. It's a bigger
12 picture. I just want to move on with my life, put
13 this shit behind me. Excuse me. That's all I
14 want to do. No matter how hard and crazy it
15 sounds it's the truth. As far as if you want to
16 believe it or not, it's the truth. I just want to
17 move on.
18 Q. Now, Jeff, you're aware that some of
19 the information that you're providing today has
20 some pretty serious ramifications, right?
21 A. Yeah. My safety's always in jeopardy.
22 I'm concerned.
23 Q. Let's talk about that. Were there any
24 situations where you felt that your life was in

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1 first name?
2 THE WITNESS: No. Forgive me,
3 I'm just...
4 MR. KRASNER: That's all right.
5 THE WITNESS: About the
6 misconduct that was going on.
7 BY MR. PILEGGI:
8 Q. When you say "misconduct," are you
9 referring to the lying, the stealing, the --
10 A. Well, as far as the misconduct with
11 the informants, that would be the main part.
12 Collection of evidence, not being recorded.
13 Q. And you --
14 A. It don't have to be money, it just
15 would be property.
16 Q. Jeff, am I correct that you entered a
17 guilty plea?
18 A. Yes, I did.
19 Q. Okay. And prior to that plea -- well,
20 do you recall what part of the responsibilities
21 that you had obligations under that plea?
22 A. The part I got clearly was tell the
23 truth, cooperate fully, and I continue to do it to
24 today.

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1 jeopardy during this period of time when you were
2 in the Narcotics Field Unit?
3 A. Yes. Separation from the squad, and
4 there was a particular time I was in the car with
5 John Speiser there was concern I was communicating
6 with the FBI, which they were talking to me but I
7 was -- I wasn't giving them what they wanted, I
8 was spinning them, because I was sticking to the
9 group because I was just as dirty as they was.
10 I was in the car with John
11 and -- Speiser, and I remember going into a lot
12 and going to the bathroom. My phone rang. I get
13 back into the car and his gun is out pointed at
14 me. I'm like what the hell's going on? My first
15 intention is shoot him, but -- you know, but then
16 I wouldn't even look fucking right. Excuse me.
17 I was a little disturbed about
18 that. I told three people. At first I told the
19 supervisor. McCloskey told me -- he basically
20 brushed me off and told me to get out of the
21 squad.
22 MR. KRASNER: Is that McCloskey
23 or Malkowski? Chet or John?
24 THE WITNESS: John. He told me

17 (Pages 65 to 68)

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1 just to get out of the squad. Told Reggie
2 Graham, and I told the Federal Government
3 because I had their number before they gave
4 me their card.

5 So what had happened, I called
6 John Hess, which is an agent. He told me
7 listen, just be careful. That's all he
8 said.

9 MR. FEINSCHIL: Mr. Walker,
10 could you keep your voice up?

11 THE WITNESS: Yes.

12 MR. FEINSCHIL: It's a little
13 hard to hear you.

14 THE WITNESS: Get closer.

15 MR. FEINSCHIL: Yes, sir.

16 THE WITNESS: I told John Hess
17 right after it happened. Then I left --
18 soon after that I left the squad, not right
19 away, but eventually I left the squad.

20 Then I went to Sergeant
21 Gorman's squad, and I clearly knew that
22 information was given to the squad that I
23 was stealing, for them to separate
24 themselves from me, because I was already

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1 separated from the squad I came from,
2 running the street by myself, using the
3 informant by myself.

4 The supervisors knew. They was
5 signing paperwork. When it was time to put
6 a second officer on the paperwork, they'll
7 tell me who to put on the paperwork and they
8 would sign it, because you have to have two
9 officers with the informant at all times.
10 When they couldn't do it, then the
11 supervisor put his name on the paperwork.
12 Lieutenant Otto, the sergeant, McCloskey,
13 they put their names on the paperwork.

14 When I went to Gorman's squad
15 the exact same thing carried on over there.
16 He would designate an officer to sign the
17 voucher -- there was a problem after the
18 while because when you tell another officer
19 to witness a body you witness you're
20 basically bringing him into his -- his
21 issues especially if they know I was
22 stealing. So it was always a problem with
23 that, you know.

24 BY MR. PILEGGI:

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1 Q. Jeff -- and we'll get -- again, we're
2 going to get into some specifics with regards to
3 informants and warrants and things like that, but
4 just generally speaking, was a supervisor -- did
5 the supervisor have to participate whenever you
6 had an informant, when you used the CI say to make
7 a buy?

8 A. It had to be, but it's -- he has to be
9 there but some of these situations it's like a
10 gray area. He doesn't really have to be. He has
11 to be in the area but he don't have to be there
12 while you making a buy. In close proximity. You
13 know, you don't have to have eyes but he has to be
14 around. When it's doing an undercover buy he got
15 to be there.

16 Informant's buy, it is like a
17 gray area. He has to be around. Because you have
18 to meet with the informant with him there. Every
19 time you encounter these informants when it comes
20 down to the buy he has to be in the general area.

21 It has to be two officers with
22 the informant at all times. Even when it comes
23 down to the payment of the informant, the
24 supervisor has to witness the payment. The

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1 voucher -- the payment is made. The informant --
2 the voucher -- after the payment is made -- first
3 of all, the voucher's filled out in pencil after
4 the -- or a pen, normally pen, after the buy is
5 made. The time is made. The informant actually
6 signs -- looks it over. They sign it. You sign
7 it. The witnessing officer signs it. The
8 supervisor signs it. It goes up. The lieutenant
9 doesn't have to be there to sign it. He sign it a
10 little later.

11 I lost the train of thought.
12 The buy is actually witnessed,
13 two officers. The supervisor's there. The
14 informant is always searched thoroughly prior --
15 before the buy. Again, with the supervisor, it's
16 a gray area, he has to be around but he doesn't
17 have to be over their shoulders watching it.

18 The CI is searched again after
19 the buy. Again, you have two officers that have
20 to witness it, gives the drugs, everything.
21 You're never alone with an informant if possible.
22 You never should be alone because things happen.

23 The person may say -- the
24 informant might say I have a female informant.

18 (Pages 69 to 72)

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1 Somebody might say you touched her or something
 2 must have happened and -- that's what the policy
 3 for, basically to protect you and the issues --
 4 whoever you're dealing with.
 5 The misconduct that I was
 6 doing, and I was doing it in several squads. When
 7 I went to other squads, which was like Meehan's
 8 squad, Sergeant Meehan's squad, Sergeant
 9 Barrington's squad and the squad I left before
 10 that, I forgot, Jones, John, the squad I was in
 11 when I got arrested, I was never alone with the
 12 informant. The one time when I got locked up, I
 13 was alone with that informant that one time but I
 14 believe that was a special case.
 15 But the supervisors that I was
 16 working with that I mentioned, I was with the
 17 informants at all times, but there was still some
 18 form of misconduct being done with the informants.
 19 In these other squads where
 20 they would not allow me to be by myself with the
 21 informant it was -- the basic misconduct I was
 22 part of was if an informant was going out
 23 knowingly gathering information, committing
 24 criminal activity, and that would be -- let's say

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1 I just bought from the house last night, you can
 2 go buy from this house again, and I would go in
 3 and make buys with them.
 4 Q. Jeff, you mentioned the policies.
 5 What are you referring to when you say policies?
 6 A. It's the policies. It's the rules and
 7 regulations of the police department. It's what
 8 everyone goes by.
 9 Q. And those policies are something that
 10 you're trained in annually?
 11 A. Yes. I mean, you go to your
 12 in-service training and they go over basically
 13 policies, they go over updates of Crimes Code,
 14 yeah.
 15 Q. Did you ever violate the policies?
 16 A. Yes, I did.
 17 Q. Again, approximation.
 18 A. Thousands of times.
 19 Q. Did the supervisors know you were
 20 violating the policies?
 21 A. Yeah. They were violating with me.
 22 Q. They were violating them with you?
 23 A. Yeah. It was allowing me to use the
 24 informant by myself, you're violating with me.

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1 You're allowing me to go into a house without a
 2 search warrant, you're violating with me.
 3 Q. Okay. I just -- and again, we're
 4 going to get into more specifics but I want to get
 5 into the specifics of my case, so let me do this.
 6 MR. PILEGGI: I'm going to mark
 7 this as I guess Walker-2.
 8 MR. KRASNER: Let's take a
 9 break. Give us ten.
 10 ---
 11 (Whereupon, a short recess was
 12 taken, after which time the deposition
 13 resumed.)
 14 ---
 15 (Kareem Torain Complaint marked
 16 Plaintiff's Exhibit Walker-2 for
 17 identification purposes.)
 18 ---
 19 MR. PILEGGI: Back on.
 20 BY MR. PILEGGI:
 21 Q. Jeffrey, I'm showing you what's been
 22 marked as Walker-2 for identification. First of
 23 all, do you know what that is?
 24 A. No, explain it to me.

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1 Q. All right. It's a Complaint. In
 2 particular, this is a Complaint naming the City as
 3 a defendant. It names Jeffrey Walker as a
 4 defendant, Brian Monaghan as a defendant and Brian
 5 Reynolds; is that correct?
 6 A. That's correct.
 7 Q. And it's the case of -- Kareem Torain
 8 is the plaintiff.
 9 A. That's correct.
 10 Q. All right. This is one of the many
 11 cases that were filed against the City in general
 12 and where you are a defendant in particular with
 13 regards to violations of individuals' civil
 14 rights, generally.
 15 A. Yes.
 16 Q. Now, you're aware that I guess there's
 17 probably a little bit more than 200 cases at this
 18 point, and you're aware that you are a defendant
 19 in many of those cases, correct?
 20 A. Yes, I am.
 21 Q. All right. And those cases all have a
 22 common thread, they're all alleging violations of
 23 individuals' civil and constitutional rights in
 24 particular, with regards to executing searches

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1 without warrants, using CIs and just generally
 2 violating the policies and procedures of the
 3 Philadelphia Police Department, correct?
 4 A. That's correct.
 5 Q. Okay. And in particular most of the
 6 cases, if not all of the cases, are from the time
 7 period of when you came to the narcotics unit,
 8 narcotics squad.
 9 A. Yes.
 10 Q. Is that correct?
 11 Okay. Now, in this particular
 12 case, Kareem Torain, the allegations are that
 13 Mr. Torain was arrested and incarcerated for 13
 14 years when police had no probable cause to arrest
 15 or search in the particular circumstances of his
 16 case.
 17 A. Yes.
 18 Q. Are you aware of that?
 19 A. I'm aware of that.
 20 Q. Generally speaking, this occurred in
 21 2001. Do you recall the Kareem Torain case, the
 22 arrest?
 23 A. I was -- I recall parts of the job.
 24 Q. Okay. You actually provided testimony

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1 want to know who it is who is giving you
 2 information, and sometimes you can tell who give
 3 you the information so it don't make them
 4 confidential.
 5 When you get into the
 6 confidential informant, that someone is getting
 7 paid by the City and you don't want -- you want to
 8 keep his identity from being known --
 9 Q. Okay.
 10 A. -- in most cases.
 11 Q. Now, you had already previously
 12 testified that there was a misuse of confidential
 13 informants, correct?
 14 A. It was a -- yes. It was a misuse of
 15 sources of information and confidential
 16 informants.
 17 Q. I was just going to ask you that. So
 18 it's your testimony there was also a misuse with
 19 respect to confidential sources?
 20 A. Yes.
 21 Q. How -- give us a general example of
 22 how you would misuse a confidential source.
 23 MR. SANTARONE: I'm going to
 24 make an objection. You're not talking about

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1 in that case. Do you recall that?
 2 A. Yes.
 3 Q. At both the preliminary hearing and
 4 the trial.
 5 A. That's correct.
 6 Q. And ultimately after a trial
 7 Mr. Torain was incarcerated, as I said, for 13
 8 years. Do you recall that?
 9 A. Yes.
 10 Q. All right. Now, let me just give you
 11 generally the circumstances of the job and then
 12 we'll get into specifics.
 13 This job started with a
 14 confidential source. Do you recall that?
 15 Providing information.
 16 A. Yes. Someone gave him information. I
 17 don't know if it was confidential or not, but
 18 someone gave him information.
 19 Q. Well, let me ask you generally, what
 20 is the information between a confidential source
 21 and a confidential informant, if there's any
 22 distinction?
 23 A. Yes, it is. A confidential source,
 24 again, source, the word confidential is you don't

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1 the Torain case anymore.
 2 MR. PILEGGI: Yes, I am.
 3 MR. SANTARONE: Are you asking
 4 does he -- what does he know about the
 5 confidential informant that was used in the
 6 Torain case?
 7 MR. PILEGGI: Not yet.
 8 MR. SANTARONE: Is that what
 9 you're asking him?
 10 MR. PILEGGI: I will. I'm
 11 asking generally the difference between a
 12 source and an informant, and now he's asking
 13 if they misused sources.
 14 Well, maybe we should -- what's
 15 the basis of the objection?
 16 MR. SANTARONE: Well, I just
 17 want to make sure we're not speaking
 18 specifically about this particular
 19 confidential source, looking at the
 20 paperwork in the case. I want to find out
 21 what his involvement was, if that's what
 22 you're asking him.
 23 MR. PILEGGI: Well, no, I'm not
 24 there yet.

20 (Pages 77 to 80)

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1 MR. SANTARONE: Okay.
 2 MR. PILEGGI: I'm just
 3 generally getting background.
 4 BY MR. PILEGGI:
 5 Q. Do you want me to rephrase?
 6 A. Yeah, rephrase it.
 7 Q. Yeah.
 8 You had mentioned that there
 9 was a misuse of confidential sources in the past.
 10 A. Yes, there was.
 11 Q. Okay. Give me a general example of
 12 how you would misuse a source.
 13 A. The source would interact with the
 14 job, either making a phone call to the target,
 15 making a buy, those things.
 16 Q. Why would that be a misuse of the
 17 source?
 18 A. Because that's not what a source is
 19 supposed to be doing.
 20 Q. What is a source supposed to be doing?
 21 A. The source is supposed to be just
 22 giving information. That's as far as you're
 23 supposed to do, giving information. That's it.
 24 Q. And is there a distinction between

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1 information from a source, then as a police
 2 officer assigned to this particular assignment you
 3 have to go out and verify that source's
 4 information?
 5 A. That's correct.
 6 Q. And how do you do that?
 7 A. Just go out just using observations,
 8 surveillances, descriptions of vehicles, houses.
 9 Gather the information. If the information is
 10 proved right then you can use the confidential
 11 informant or a police officer to actually start to
 12 get your probable cause to establish your
 13 affidavit and execute a warrant.
 14 Q. In this particular case, the Torain
 15 case, there was information provided by a source
 16 that there was several properties being used for
 17 narcotic distribution. Do you recall that?
 18 A. I'm aware of that.
 19 Q. Okay. What would you have to do if
 20 there was multiple properties given that are part
 21 of this assignment? What would you do then?
 22 A. I would actually get together with my
 23 squad and we'd discuss the matter because I'm the
 24 lead investigator, and I will give them the

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1 whether the person's paid or not?
 2 A. If the source wants to get paid then
 3 he's bumped up to a confidential informant.
 4 Q. Okay. Was there --
 5 A. And that's only at the discretion of
 6 the supervisors if he wants to go that route with
 7 them.
 8 Q. Okay. So that's -- in other words,
 9 that's a decision --
 10 A. Once you get --
 11 Q. -- that has to be made by a
 12 supervisor?
 13 A. Yes. The supervisor's always involved
 14 with using these confidential informants. I'm
 15 sorry, we're talking about sources, these sources
 16 of information.
 17 Q. Was there ever a time that a source
 18 was used in the capacity of a confidential
 19 informant, in other words, in a paid capacity?
 20 A. I don't know that to be exact like
 21 that type of way, but I know the sources was being
 22 used in the capacity as informants but I don't
 23 know if they were being paid or not.
 24 Q. Okay. All right. So once you get

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1 information that was given to me by the source,
 2 and we will go out and do the surveillances, and
 3 once we see some type of drug activity we will
 4 actually utilize the informant or a police officer
 5 in starting to establish the probable cause.
 6 Q. Now, in this case you were not the
 7 lead investigator.
 8 A. No.
 9 Q. It was Brian Monaghan?
 10 A. Yes, he was.
 11 Q. Okay. But you participated in the
 12 surveillance, correct?
 13 A. Yes, I did.
 14 Q. Okay. When there is -- and again, in
 15 this case, as this case, there is multiple players
 16 where there was multiple individuals identified.
 17 What do you do? In other words, how do you
 18 ascertain that these individuals are actually part
 19 of this narcotics distribution network?
 20 A. By the activity that we see them
 21 engaged in.
 22 Q. Okay. If you do not see someone
 23 engaged in activity that was identified by the
 24 source as a person that was participating in this,

21 (Pages 81 to 84)

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<p>1 what would you do?</p> <p>2 A. Exclude them.</p> <p>3 Q. I'm sorry?</p> <p>4 A. Exclude them from the investigation.</p> <p>5 Like if a guy comes up and he's</p> <p>6 talking to a guy that you know is selling drugs or</p> <p>7 something like that and nothing's being</p> <p>8 transferred, it don't get your suspicion that</p> <p>9 something is going out, you just exclude them out</p> <p>10 of there.</p> <p>11 Q. Okay. So in other words, am I correct</p> <p>12 that only those people that you actually</p> <p>13 personally observe engaged in drug activity are</p> <p>14 ones that can be included in this narcotics</p> <p>15 network?</p> <p>16 A. Yes.</p> <p>17 Q. All right. If someone just went up</p> <p>18 and say they were talking to someone that was a</p> <p>19 target of this narcotics network but you didn't</p> <p>20 see them participate in anything, would you put</p> <p>21 that in the Affidavit of Probable Cause?</p> <p>22 A. No. The only thing you would put --</p> <p>23 that I would put into the affidavit is just mere</p> <p>24 talking to someone and a conversation engages but</p>	<p>1 squad members. The source of information gives</p> <p>2 you something, like say four, five houses and some</p> <p>3 targets. We'll go out there and we'll see it and</p> <p>4 we'll -- again, we're -- everything starts from</p> <p>5 lying. We'll put the job together in</p> <p>6 articulation.</p> <p>7 One of the common things that</p> <p>8 we used to joke about in the squad, we didn't have</p> <p>9 too much respect for the Federal Government. This</p> <p>10 one person, Thomas Liciardello, would always say</p> <p>11 feds are stupid. What takes them months to do we</p> <p>12 can do in days.</p> <p>13 And I knew that very clearly we</p> <p>14 can put it together -- we're good liars. We put</p> <p>15 things together. The only thing we need was</p> <p>16 locations and a little bit of activity, and if a</p> <p>17 CI is sent to a location and you knew it was a</p> <p>18 house involved, if the CI -- no matter if the CI</p> <p>19 made a buy from the street, that target individual</p> <p>20 went to the house.</p> <p>21 When you start hearing cops</p> <p>22 say -- you know, we're talking about when a police</p> <p>23 officer is known in a location for years. They</p> <p>24 know us. They know what kind of cars we drive.</p>
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<p>1 the person comes backs repeatedly and if he's --</p> <p>2 and he's engaged in criminal -- what you believe</p> <p>3 to be criminal activity, then I will put them in.</p> <p>4 If it's just someone comes up</p> <p>5 on a mere encounter, just talking to somebody and</p> <p>6 they just walk away and they're not seen on a</p> <p>7 constant basis, no, I would not put them in, into</p> <p>8 the investigation, because it can go from the</p> <p>9 neighbors, the guy's family members can come up.</p> <p>10 It's just -- you're trying to</p> <p>11 narrow it down to the people close to what the</p> <p>12 information is provided for you to establish the</p> <p>13 warrant.</p> <p>14 Q. If --</p> <p>15 A. You don't want to have a whole bunch</p> <p>16 of people in it. You know, you talking to Joe and</p> <p>17 all the other people. You got to narrow it down</p> <p>18 to the meat of everything and -- so when you send</p> <p>19 your officers in and the -- an informant's in</p> <p>20 there they know who to actually go after.</p> <p>21 Q. Now, Jeff, have you ever fabricated --</p> <p>22 when you were the affiant, did you ever fabricate</p> <p>23 information in order to provide probable cause?</p> <p>24 A. Yes. It was very known by me and my</p>	<p>1 It's their business to watch us and their</p> <p>2 business -- our business to watch them. When you</p> <p>3 have white officers sitting on a block 20 feet</p> <p>4 away, guys leaning on cars, guys yelling things</p> <p>5 out, listen, the only fool is the person that's</p> <p>6 believing the story.</p> <p>7 Guys have known to see cars and</p> <p>8 will not go out and do any type of criminal</p> <p>9 activity because, again, it's not just the cops</p> <p>10 looking at them, there's other people trying to</p> <p>11 rob them.</p> <p>12 So when you get stories like --</p> <p>13 overembellished story I'll say, where you have</p> <p>14 police officers sitting so close to a location and</p> <p>15 seeing activities, I'm not saying -- sometimes it</p> <p>16 does happen but a lot of times it doesn't because</p> <p>17 articulation's lying. It's basically making the</p> <p>18 reasonable suspicion turn into probable cause.</p> <p>19 It's been done for years, I've</p> <p>20 been taught that way, but again, it's hard to</p> <p>21 prove because the credibility of the officer is</p> <p>22 very high. So in most of these cases when you</p> <p>23 see -- I take that back. In some of the cases</p> <p>24 that you see where you have multiple locations,</p>

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<p>1 defendants, you got to look at the time period.</p> <p>2 You got to look at how many days it is.</p> <p>3 You're talking about a four,</p> <p>4 five house investigation taking three days, two</p> <p>5 days? You're talking about a major drug</p> <p>6 operation. I mean, it's a lot of storytelling in</p> <p>7 that. It's a lie. You know, you look at it, a</p> <p>8 proper investigation takes sometimes months. A</p> <p>9 shorter investigation takes a week.</p> <p>10 You're telling me you told a</p> <p>11 guy -- he went to five houses in one day? You</p> <p>12 know, he went to the stash house -- you might get</p> <p>13 a guy going to a stash house, if he's lucky enough</p> <p>14 we might get him the first day or we might get him</p> <p>15 the last day. You don't get him going every day.</p> <p>16 It's just one of those things.</p> <p>17 Q. So are you saying that if the police</p> <p>18 believed that there was narcotics dealing in</p> <p>19 certain areas or properties by individuals and</p> <p>20 they couldn't prove that then they would just --</p> <p>21 A. Just put it together.</p> <p>22 Q. -- articulate the facts?</p> <p>23 A. It start from the beginning. It</p> <p>24 starts from articulation. I'll say this again.</p>	<p>1 thing he know is someone told on him, set him up,</p> <p>2 and then they robbed him. The last thing in their</p> <p>3 mind is thinking that the police came in their</p> <p>4 house and took their stuff.</p> <p>5 Q. Okay. Let me just clarify it. When</p> <p>6 you say excluding, what do you mean? Excluding</p> <p>7 from what?</p> <p>8 A. From anyone knowing but you.</p> <p>9 Q. From paperwork?</p> <p>10 A. Even if it's paperwork, defendants</p> <p>11 you're locking up, anybody to know that you went</p> <p>12 in this house and took something, but if you</p> <p>13 decided to take something and you seen something</p> <p>14 in there worthy of reporting you just basically do</p> <p>15 another warrant and you put together a story how</p> <p>16 you got there.</p> <p>17 Q. And Jeffrey, in your particular case</p> <p>18 when you were arrested, am I correct that you took</p> <p>19 a key off the individual you stopped, his house</p> <p>20 key, and then went into the house?</p> <p>21 A. Yes.</p> <p>22 Q. Did you ever do that prior to your</p> <p>23 arrest?</p> <p>24 A. Yes.</p>
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<p>1 When you don't know how you did something, you got</p> <p>2 to put a story together and then it grows. As</p> <p>3 long as you be on the job it gets better and</p> <p>4 better and you get better at it until it sounds</p> <p>5 like the truth, to the point where when you do</p> <p>6 tell the truth no one can tell the difference.</p> <p>7 Q. Was there a reason why you would hit</p> <p>8 certain houses? Like say -- you mentioned the</p> <p>9 stash house. Would there be a reason to do that?</p> <p>10 A. Yes, yeah, because you know there's</p> <p>11 going to be drugs there, you're going -- it's</p> <p>12 going to be money there, but it got to the point</p> <p>13 where we --</p> <p>14 Q. When you say "we," who do you mean?</p> <p>15 A. Me and my squad members.</p> <p>16 Q. Okay. Go ahead.</p> <p>17 A. We're excluding the stash houses</p> <p>18 because we were going in them. If something was</p> <p>19 found worthy of reporting we will actually do a</p> <p>20 secondary warrant. That means a warrant is done</p> <p>21 after the warrant that you do.</p> <p>22 If it was something -- in my</p> <p>23 case what I was arrested on I wanted to exclude</p> <p>24 it, because when the guy got out of jail the only</p>	<p>1 Q. Often or --</p> <p>2 A. I did it.</p> <p>3 Q. Any other squad members do that?</p> <p>4 A. Yes. Members of my squad. I observed</p> <p>5 a supervisor, that would be Joe McCloskey, give</p> <p>6 keys to either Brian Reynolds, Mike Spicer, Perry</p> <p>7 Betts, sometimes they all be in a group, give them</p> <p>8 the keys and they go check the houses, then</p> <p>9 they'll come back.</p> <p>10 We're never going back to</p> <p>11 the -- we'll never go to those houses. Sometimes</p> <p>12 we do go to those houses. That means I give you</p> <p>13 the keys. Go check them houses out. You come</p> <p>14 back, nothing's worth taking or whatever the</p> <p>15 situation is, that house is excluded. Well,</p> <p>16 sarge, get over here, we got something over there,</p> <p>17 and we'll all go over there and secure that house.</p> <p>18 Q. So in other words, are you saying that</p> <p>19 you would go into those houses before there was a</p> <p>20 search warrant approved and executed?</p> <p>21 A. Yes. Sometimes we call it securing,</p> <p>22 where we will actually wait out front and the guy</p> <p>23 come out, we stop them either in front of the</p> <p>24 house or we stop them around the corner, and we</p>

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1 will just go into the house, and then whoever is
2 in charge, a lot of the times it's Tommy
3 Liciardello, will actually call the sergeant and
4 then the sergeant will do his own famous words of
5 what are you doing there, call the lieutenant.

6 And eventually everyone will be
7 there and me or Norman would be the designated to
8 stay at the location while Tommy Liciardello or
9 whoever is the affiant of the warrant would go and
10 do the warrant at the headquarters.

11 Q. What was the reason to go into that
12 house before you actually executed a warrant?

13 A. Stealing.

14 Q. Steal what?

15 A. Money, and in some cases I found -- I
16 was introduced by Norman to steal drugs, steal the
17 drugs and re-sell it to his family members.

18 Q. Okay. Could you be a little bit more
19 detailed about that. What do you mean?

20 A. Well, while we were stealing, it means
21 Thomas Liciardello, Brian Reynolds, Mike Spicer,
22 Perry Betts, John Speiser, occasionally Norman --
23 because he was the one out of the group a lot they
24 didn't -- they feared Norman but they respected

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1 he had a job. When it was time to do the job I
2 had four bricks. The plan was the guy that was
3 targeting gets one, I get one, he get one, his
4 family member get one.

5 The plan went right until he
6 came to me later and said his family member ripped
7 him off out of a brick, which I didn't believe
8 that at all because I know how Linwood Norman is.
9 He wasn't a guy that actually you can just take
10 something from, especially if he did something
11 like this. So I didn't give him any money of what
12 I had.

13 When I was going to call
14 another source that I had that I was dealing with
15 other drug dealers, I called him when I had my
16 brick repeatedly. Norman told me don't deal with
17 him, deal with us. So he did not get what I had,
18 and this was all prior to after having the bricks
19 that I had. I had control of the four bricks.

20 When the guy was arrested he
21 made sure he got one, I got mine, and I held onto
22 three bricks, but when I got off of work
23 everything was given -- after I made my phone
24 calls and he said don't mess with them, they were

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1 him. I found out he was stealing drugs.

2 He brought me into that group,
3 because once the group got divided because they
4 wanted to leave me and Norman out of it, a lot of
5 stuff, they were going to start really getting a
6 lot of money, we decided to -- or I decided with
7 him to start stealing drugs, so he brought me into
8 his group. That's where I got the drugs from when
9 I got arrested was his family member, where he
10 introduced me to them, but he made it very clear
11 to me to not bring no heat to his family.

12 Q. What was the biggest job you ever did
13 with regards to stealing drugs and who were you
14 with?

15 A. Linwood Norman, the four brick job,
16 the four kilos of cocaine.

17 Q. Did you get any of those drugs?

18 A. Yes, I did.

19 Q. How much did you get?

20 A. A kilo of cocaine.

21 Q. Do you know if Officer Norman got any
22 of those?

23 A. I believe so because -- I'm going to
24 explain the job was he came to my house, discussed

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1 his folks, I said okay. We met out in the park.
2 I never saw his folks. He came down with I
3 believe \$17,000, somewhere around that, gave me my
4 money and I gave him three bricks.

5 He came back to me a day later
6 or so and came with his concocted story that his
7 family ripped him off out of his brick, which I
8 had -- could have told me something else other
9 than that. I know that wasn't true at all, and I
10 wasn't about to give him none of my money.

11 Q. Jeff, something I didn't ask before,
12 and again, I'm going to ask you to approximate.
13 Over the years, the squad itself, could you
14 estimate how much money was stolen, not counting
15 drugs, just money?

16 A. They say about 500,000, but it was way
17 more than that.

18 Q. Would you say millions?

19 A. I wouldn't go and say millions. I
20 would say over a million.

21 Q. And do you know if any of the members
22 of your squad would steal drugs for their own
23 personal use?

24 A. Well, I know people had issues. Like

24 (Pages 93 to 96)

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<p>1 Palmer had an issue with pills. He used to go 2 with a bag and make a phone call to his wife or 3 whoever was on the phone discussing what he was 4 going to take out of the house. I know he was 5 talking to a Judge Fleisher. She was a pill head, 6 too.</p> <p>7 MR. KRASNER: Palmer's first 8 name?</p> <p>9 THE WITNESS: Lewis Palmer. 10 And the judge was Fleisher. She was a pill 11 head, too.</p> <p>12 I knew of other officers that 13 had drinking issues, but I was very 14 surprised when I found out later people were 15 doing coke in there and Perry was smoking 16 weed. That was very supervising to me, that 17 he would be smoking weed, but I knew 18 every -- we were heavy drunks, and we drank 19 like a fish all day long.</p> <p>20 BY MR. PILEGGI: 21 Q. Okay. Now, I got off track a little 22 bit. Let's get to the specifics of this case. 23 In this case there was, and I'm 24 referring to the Torain case, there was some</p>	<p>1 Reynolds, yourself, and Kelly, Officer Kelly, 2 badge number 7126, go out, set up surveillance. 3 Allegedly there was some observations of 4 individuals engaged in narcotic activity. Do you 5 recall that?</p> <p>6 A. I believe I recall the investigation. 7 Q. Okay. And in fact, there was a report 8 that there was a videotape made of some of these 9 narcotic activities by Officers Monaghan and 10 Kelly?</p> <p>11 A. I'm aware of that but I never saw a 12 videotape. Not to say there wasn't a videotape, I 13 never -- I'm aware of conversation of a videotape 14 I don't know between court or during the 15 investigation, but I'm aware of a videotape.</p> <p>16 Q. Now, at some point you're assigned by 17 Officer Monaghan to follow my client, Kareem 18 Torain, who is driving a Pontiac Bonneville, a 19 green Pontiac Bonneville.</p> <p>20 A. Yes. 21 Q. Do you recall that? 22 A. Yes. 23 Q. All right. You followed him to 1621 24 Conestoga Street. Do you recall that?</p>
Page 98	Page 100
<p>1 information provided that there was a -- two 2 individuals, Al and Pud, who were operating a 3 narcotics network out of three properties.</p> <p>4 A. See, this is the part that I vaguely 5 remember, but I know we were doing it as an 6 investigation out of a group of individuals. 7 Again, I wasn't the head investigator. The only 8 thing I can recall is my part in the investigation 9 as far as one of the locations and that's all I 10 can tell you.</p> <p>11 I can also tell you that when 12 it was time to do the warrants I frequented a lot 13 of these locations but when the -- on the 14 executing of the search warrant of a number of 15 houses that was involved. That's all I can 16 remember is that.</p> <p>17 Q. All right. Let me just tell you 18 basically the facts of the -- I think probably the 19 quickest way to do this, the facts as recorded in 20 the police reports and then you tell me your role. 21 Okay?</p> <p>22 A. Okay. 23 Q. All right. They get a source of 24 information. The police go out, Monaghan,</p>	<p>1 A. I don't recall that. 2 Q. Okay. 3 A. Not to say it didn't happen, but I 4 only remember going to 55th Street. 5 Q. Okay. All right. I'll get to that. 6 From -- again, according to the 7 police report, from Conestoga Street you followed 8 him to 55th Street, North 55th Street. Do you 9 recall that?</p> <p>10 A. Yes. 11 Q. Okay. And specifically the address is 12 1628 North 55th Street. 13 From there you set up 14 surveillance. You saw him enter the premises and, 15 according to the police report, you saw a light go 16 on in that building that you believed he was in.</p> <p>17 A. That's what I -- that's what I said, 18 yes. 19 Q. Okay. You then saw three individuals 20 enter that same building and about 20 minutes 21 later come out again. As reported in the police 22 reports and your testimony, you stated that you 23 saw one of the individuals hand a golf ball size 24 what you believed to be narcotics to put in his</p>

<p style="text-align: right;">Page 101</p> <p>1 jacket or something like that.</p> <p>2 A. That's correct.</p> <p>3 Q. Do you recall that?</p> <p>4 A. Yes, I believe I said that.</p> <p>5 Q. Okay. Those individuals leave. They</p> <p>6 were never stopped. About 20 minutes later my</p> <p>7 client leaves. You radio to Officer Reynolds to</p> <p>8 stop that individual. Do you recall that?</p> <p>9 A. I recall him leaving and I recall him</p> <p>10 being stopped.</p> <p>11 Q. Okay. But just so we're clear, you</p> <p>12 weren't at the stop, correct?</p> <p>13 A. No, I was not.</p> <p>14 Q. Okay. But you do recall, am I</p> <p>15 correct, that he was arrested -- my client was</p> <p>16 arrested when he was stopped?</p> <p>17 A. Yes.</p> <p>18 Q. Do you recall if any contraband were</p> <p>19 confiscated from him at that time?</p> <p>20 A. No drugs. He had personal items,</p> <p>21 money.</p> <p>22 Q. How much money, do you know?</p> <p>23 A. I don't know. He had money and keys.</p> <p>24 That's all I can remember.</p>	<p style="text-align: right;">Page 103</p> <p>1 running out of the house, and I would have</p> <p>2 immediately had him secured and I would have went</p> <p>3 into the house with backup officers. That's the</p> <p>4 proper way to secure a house.</p> <p>5 Exigent circumstances has to be</p> <p>6 there. Just because you stop somebody far from a</p> <p>7 location doesn't -- you don't have to go back to</p> <p>8 his location and secure a property to gather any</p> <p>9 additional evidence. That's what we were doing</p> <p>10 constantly, and it was -- nothing was spoken on</p> <p>11 it.</p> <p>12 Q. Now, just so we're clear, did you</p> <p>13 observe at any time my client engage in any</p> <p>14 criminal activity?</p> <p>15 A. No.</p> <p>16 Q. And -- all right. So at some point</p> <p>17 the case goes to trial, right?</p> <p>18 A. Yes.</p> <p>19 Q. And you provide testimony.</p> <p>20 A. Yes, I do.</p> <p>21 Q. Did you have any discussions with any</p> <p>22 of the officers that were involved in that job</p> <p>23 with regards to what your testimony would be and</p> <p>24 why?</p>
<p style="text-align: right;">Page 102</p> <p>1 Q. Okay. At some point were you aware</p> <p>2 that Officer Monaghan and Officer Kelly went back</p> <p>3 to the 1628 North 55th Street and entered the</p> <p>4 premises without a warrant with a set of keys that</p> <p>5 were taken off my client?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. First of all, was that pursuant</p> <p>8 to policy? I mean, were they allowed to enter</p> <p>9 that premises with the keys?</p> <p>10 A. In the way that was stopped? No, that</p> <p>11 was against policy. Securing of a house is based</p> <p>12 on preventing destruction of evidence. He was</p> <p>13 stopped from that location. The officers were</p> <p>14 with him. If they had any -- believed that drugs</p> <p>15 were being destroyed at a location they could have</p> <p>16 easily put an officer at the location to sit and</p> <p>17 wait until they seen any additional activities,</p> <p>18 someone coming from a house carrying a bag or --</p> <p>19 Again, if I said I believed the</p> <p>20 light was on, the light -- someone had come to the</p> <p>21 location, the light pops on and a guy quickly</p> <p>22 exits out with a bag, then I would have stopped</p> <p>23 him and then I would have informed the supervisor</p> <p>24 and the backup officers I had to stop the guy</p>	<p style="text-align: right;">Page 104</p> <p>1 A. Yes, I had a discussion with Monaghan.</p> <p>2 To go back to when they were</p> <p>3 stopped, I remembered all the houses -- search</p> <p>4 warrants were prepared for the houses. This house</p> <p>5 was not in the loop, and I mean not in the loop</p> <p>6 was not mentioned in the Affidavit of Probable</p> <p>7 Cause when they got the execution of the warrant.</p> <p>8 This came on the day of the warrant when he was</p> <p>9 stopped. Again, I don't recall exactly what was</p> <p>10 taken from him. I know they needed to go back to</p> <p>11 the house.</p> <p>12 Once they ascertained where he</p> <p>13 came from, Monaghan needed me to say he seen a</p> <p>14 light come on, because that lies a knot from the</p> <p>15 street to the room. Also I had to articulate the</p> <p>16 drug activity coming from the house with the</p> <p>17 bundle.</p> <p>18 A golf ball size object relates</p> <p>19 to drug activity, that's another knot, males</p> <p>20 coming out of the house that were seen prior doing</p> <p>21 some type of activity while I was in observation</p> <p>22 of that, these are the two main things they needed</p> <p>23 for me to do to actually obtain the search warrant</p> <p>24 for the location after they had gone in there.</p>

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1 Q. So essentially, your role in this was
2 to perpetrate this probable cause so that you
3 could substantiate the arrest of Mr. Torain.

4 A. Yes.

5 Q. Were you aware that there was a search
6 warrant obtained and executed after the police
7 actually searched that day, after he was arrested?

8 A. Yes.

9 Q. Okay. Do you know why?

10 A. Why? We went to the location,
11 obviously, for what we're known to do, steal.

12 Q. Well, why do you say that's obvious?

13 A. Because we went to the location
14 immediately after they stopped him without any
15 type of exigent circumstances.

16 Q. So are you referring to when they went
17 back with the key?

18 A. Yes. There's no need to go to a
19 location with exigent circumstances. You just put
20 somebody out front. You're going to do a warrant,
21 man, just sit out front to see if you see
22 anything. Let us know. If somebody come out,
23 just run up in there and let us know you were in
24 there. That's it.

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1 Q. So just so I'm clear with this, so no
2 one on your squad saw Mr. Torain engage in any
3 criminal activity at any time.

4 A. See, I can't say no one seen him. I
5 know I didn't see him engage in any criminal
6 activity from my observations. I see a man going
7 into a house. I see a man come out of a house. I
8 just know he was arrested. I know they went back
9 there. That's all I can tell you.

10 Q. Now, were you aware that there was
11 actually a property receipt for the period of time
12 right after his arrest? He was arrested
13 approximately 3 p.m., after you saw him leave, by
14 Officer Reynolds.

15 Were you aware that when
16 Officer Monaghan and Kelly went back to the unit
17 at about 3:30 and used the key that they actually
18 went in and seized items out of that house?

19 A. Yes, I'm aware of that.

20 Q. And they seized a safe and an empty
21 pill bottle with nothing -- containing nothing it
22 in.

23 A. I'm aware that things were placed on
24 the property receipts prior to doing a warrant

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1 based on how the property receipt was prepared at
2 the time it was prepared.

3 Again, when we do a job we come
4 in, we do a summary sheet. The summary sheet goes
5 to who was arrested, the location where it was
6 taken from them. That's put in a summary sheet.
7 It's handwritten. Next to the items that you
8 record you put the property receipt with numbers
9 right after that, specific numbers, specific
10 items, the date and time.

11 Once you overlook it and make
12 sure it's right you actually photocopy it and give
13 it to the members of the unit, because you have to
14 remember that we had other properties at the time
15 we were executing the search and seizure warrant.

16 So if a guy is the affiant he's
17 going to start at the beginning to prepare his
18 paperwork. He's not going to wait until the end
19 of the night to do this, he's going to wait to the
20 chance -- the best chance he gets. So being as
21 though we already had a house secured, we still
22 had houses before that that you had to start
23 processing the paperwork for.

24 So that starts in with the

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1 summary sheet, the handwritten summary sheets.
2 So, again, when it goes into the person arrested,
3 items taken from them, it's written down, you go
4 to the supervisor, he hands you the property
5 receipts or he hands you the property receipt book
6 with the property receipts, and your job as an
7 assigned -- or you go designate somebody to take
8 those property receipts and record them on the
9 paper next to the items taken.

10 Now, I'm aware in this job that
11 items from me looking at the property receipt
12 clearly shows that the items were taken prior to
13 the warrant. Now we go into this. If you made a
14 mistake you have to, because, again, you're
15 entering the property receipts in the computer,
16 you have to rectify the mistake.

17 You got to contact the evidence
18 and have them delete it and re-enter it under the
19 date and then you can make your corrections
20 because it's already corrected. If it's
21 questioned, if you say you made a mistake, you can
22 always go back to the evidence and get a copy or
23 you can print it out yourself by -- I think, if I
24 remember, P -- you can bring up the property

27 (Pages 105 to 108)

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1 receipt using a code and you can actually see when
2 the property receipt number was entered, and you
3 can use that as evidence to show that you made a
4 mistake writing the location -- not the location
5 but the date and the time on the property receipt.

6 If you're making that mistake
7 that's one way to clearly say listen, I made -- I
8 clearly made a mistake on this. I'm going to give
9 you the printout of the property receipt when it
10 was entered, the date and time, that has to be
11 corrected, and that basically shows listen, I made
12 a mistake, I didn't correct it on the property
13 receipt, and that's a mistake.

14 Q. Jeff, let's do this. I'm going to
15 show you some -- let's look at the property
16 receipts, and there's two properties receipts
17 actually in this case -- well, there's more than
18 two, but two that actually cover what was
19 confiscated, and I want you to explain what you're
20 referring to?

21 MR. PILEGGI: And let me just
22 give copies to everyone.

23 Let me just mark these Walker-3
24 and 4.

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1 (Property Receipt No. 22508224
2 marked Plaintiff's Exhibit Walker-3 for
3 identification purposes.)

4 ---

5 (Property Receipt No. 2308223
6 marked Plaintiff's Exhibit Walker-4 for
7 identification purposes.)

8 ---

9 (Whereupon, a discussion was
10 held off the record.)

11 ---

12 BY MR. PILEGGI:

13 Q. All right. Jeffrey, I'm showing --
14 let's start with 3, I'm showing you what's been
15 marked as Walker-3. Generally, what is that?

16 A. It says at the top inside -- I can't
17 see it here.

18 Q. Is that a property receipt?

19 A. The property receipt -- that's
20 property receipt number 22 -- my eyes are bad,
21 22508224. It actually shows inside. The first
22 address is kind of deleted out because of the way
23 it was photographed, and it say 55th Street, and
24 then go into body of the property receipt it says

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1 evidence, 2 amber pill bottles with white caps and
2 one safe, Serenity (sic) safe. I think they also
3 got the model of the safe is 1150 and it says
4 safe.

5 Q. What's the date and the time?

6 A. The time is -- the date is 1 -- I
7 can't really see it clear, but it says 3:30 on
8 here. It's 1-4 -- I see the 4.

9 Q. Okay.

10 A. It says 3:30 on it.

11 Q. All right. 3:30 is the time?

12 A. Yes.

13 Q. 1-4 is the date --

14 A. Yeah.

15 Q. -- you just don't know the year?

16 A. Yeah.

17 Q. Okay. Now, is that the property
18 receipt --

19 A. I'm sorry -- go ahead.

20 Q. Is that the property receipt
21 describing the items that were seized when Officer
22 Monaghan and Kelly went over with the key?

23 A. Yes, because the property receipt
24 clearly says in the circumstances above items was

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1 confiscated at the time of execution of warrant,
2 but again, the property receipt says the date and
3 the time at 3:30. So if you're reading this, you
4 are basically reading it and the interpretation is
5 the items were taken on 1/4/01 at 3:30, if I'm
6 reading what the circumstances says in the
7 property receipt.

8 Q. We'll get to that.

9 Now, if you look at Walker-4,
10 that is also a property receipt, correct?

11 A. Yes.

12 Q. And what's the date and time on that?

13 A. It's 1/5/01 and it's 1:00, I believe.
14 1:00.

15 Q. A.m. or p.m.?

16 A. A.m.

17 Q. Now, does that cover the same items at
18 the same address that were confiscated the prior
19 day?

20 A. This is -- this says the date after.
21 Three ripped clear plastic bags which contained
22 alleged crack cocaine.

23 Q. Anything else on that property
24 receipt?

28 (Pages 109 to 112)

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1 A. You're talking about alleged crack
2 cocaine, approximately -- they got abbreviations
3 in this, approximately of all three clear baggies
4 are 17 grams. Then they go into the
5 circumstances, on 1/5/01 at approximately
6 1:00 a.m. the above item were confiscated from
7 above locations after narcotics -- narcotics is
8 abbreviated again -- execute search and seizure
9 warrant 99028.

10 Q. Okay. Now --

11 MR. PILEGGI: All right. Let
12 me have this marked as Walker-5.

13 ---

14 (Search Warrant and related
15 documents marked Plaintiff's Exhibit
16 Walker-5 for identification purposes.)

17 ---

18 BY MR. PILEGGI:

19 Q. All right. Officer, I want to -- I'm
20 sorry, Jeff, I want to show you what's been marked
21 as Walker-5.

22 A. Yes.

23 Q. Do you know what that is?

24 A. This is a copy of a search warrant,

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1 Q. -- is there a date on there? It says
2 result of search. Do you see that?

3 A. Yes, 1/5.

4 Q. So that was on January 5th --

5 A. Yes.

6 Q. -- 2000?

7 A. Yes, 2000.

8 Q. First of all, this job was done in
9 2001, correct?

10 A. Yes.

11 Q. All right. And underneath that does
12 it say what was confiscated?

13 A. Yes. Serenity fire safe, three clear
14 baggies containing 17 grams of cocaine -- I mean
15 crack, it says crack, two amber pill bottles with
16 white tops.

17 Q. And it's signed by whom?

18 A. The affiant at the bottom, Monaghan,
19 Police Officer Monaghan.

20 Q. Okay. Now --

21 A. That would be Brian Monaghan. I'll
22 give his first name.

23 Q. Now, first of all, it's -- obviously
24 police executed this warrant the day after they

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1 the affidavit part -- not the affidavit, but
2 actually the face of the search warrant.

3 Q. Okay. And there's other documents
4 attached to that. Is that the affidavit?

5 A. Yes, this would be the affidavit.

6 Q. Okay. And that's describing the
7 circumstances giving rise to the probable cause to
8 even search, correct?

9 A. Yes.

10 Q. All right. Now, first of all, can you
11 tell the date from that search warrant?

12 A. The search warrant was 1/4/01.

13 Q. 1/4/01, that's when it was approved or
14 that's --

15 A. I'm looking right here.

16 Q. -- when it was executed?

17 A. I'm looking right here. That's the
18 application of the date, 1 -- I believe -- no. I
19 can't see that. I don't know what that is.

20 Q. All right. Let me ask you this.

21 A. Okay. I got it. I got it.

22 Q. If you go to the middle of the search
23 warrant --

24 A. Yeah.

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1 seized items out of that house when they had the
2 key, correct?

3 A. Yes.

4 Q. All right. And it appears at least
5 two of the items are the same items that they
6 confiscated the day before, the safe and the two
7 amber pill bottles, correct?

8 A. Yes.

9 Q. All right. Obviously they have
10 additional narcotics, correct? As seized that
11 day.

12 A. I'm looking at the property receipts
13 and I'm looking at this, they're saying it would
14 be more narcotics than what they already have,
15 because if I'm looking at the property receipts
16 that you showed me before on 1/4 it shows -- let
17 me correct -- look at this stuff again.

18 I'm talking about the pill
19 bottle, the two amber pill bottles, on 1/4/01
20 confiscated at 3:30, and then I go to the search
21 warrant and it says two amber -- plastic pill
22 bottles, white top, and when you're looking at
23 that receipt it would be more pill bottles. You
24 know what I mean? Do you understand what I'm

29 (Pages 113 to 116)

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1 saying?

2 It would seem it shows more
3 things or something was confiscated prior to doing
4 the warrant, specifying that particular thing.

5 Q. Let me ask you this. Is there
6 anything wrong with this warrant?

7 A. There's a few things.

8 Q. And the circumstances? Go ahead, why
9 don't you explain.

10 A. There's a few things wrong with it.

11 One, the main thing, if you
12 stop someone and you already know who they are you
13 kind of want -- and you want to attach them to
14 location, you want to put their name as occupant
15 on the warrant to show some type of connection to
16 the warrant. If you do not know their name, you
17 can put description of the person and that goes in
18 with owner.

19 You always want to put the real
20 estate, the owner of the property, because you're
21 always questioning that, but if you have a target
22 and you know who the target is and the name, you
23 already stopped this person, you want to put them
24 on the warrant because you got connection to him

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1 to the location, because I seen him coming from
2 the location. That's what the affiant -- that's
3 what the -- what the story is in the affidavit.

4 Q. Now, let me -- let me ask you a
5 question. In there it says name of owner, it
6 says -- I can't read it. It says something Wades,
7 Carl Wades and Vincent Saunders?

8 A. Yes. That would be done out of a real
9 estate check from the computer.

10 Q. All right. Do you know if they were
11 present when this search warrant was executed?

12 A. I don't know.

13 Q. Okay. On the side it says it looks
14 like Gessner, is that correct, and there's a badge
15 number there.

16 A. That's the supervisor. She -- when
17 you get it like this on the side here -- when you
18 ask a supervisor for a warrant they normally will
19 sign a side of the form, but normally when they're
20 looking at it before they send it over they will
21 put it the side, too, approved by such and such.
22 They put it on the side of the face, top of the
23 warrant, or they put it in the -- they definitely
24 put it in the body at the bottom approved by

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1 Gessner, such and -- you know, normally.

2 Because when it goes -- it goes
3 to three people. The supervisor looks at it, it
4 goes to the charge unit, they look at it, and
5 finally it goes to either the municipal judge or
6 it goes to the Bail Commission, they look at. So
7 you got three chances of people looking at the
8 warrant prior to you executing the warrant.

9 Q. Now, also it appears that this was
10 executed at 1 a.m. in the morning.

11 A. Yes.

12 Q. Is there anything unusual about that?

13 A. The second problem you got is this --
14 and this is a major problem that I see, is if you
15 claiming that you secured the house you want to
16 have somebody already in the body already,
17 there's -- one or two people, in this part where
18 you supposed to fill out the officers at. Someone
19 got to be in there because you're saying you
20 secured that location. That's missing.

21 And the final thing is the
22 supervisor, the witness, who is supposed to sign
23 the warrant, the witness you collecting the
24 evidence, ain't even signed on it.

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1 So when these issues come up --
2 so you understand what a warrant is, the
3 supervisor views everything. Everything goes up.
4 It goes -- eventually the warrant goes to the
5 Integrity Control Board. They look and sometimes
6 they see issues with these warrants, they'll send
7 them back down and say this ain't signed or
8 something going on.

9 The reason why I know that
10 because happened to me before. I witnessed it
11 happened to other officers. Someone forgets to
12 sign something, not too much of the badge numbers,
13 but like if the supervisor forgets to sign
14 something or something's not right with this
15 warrant, they look at it and they send it back
16 down and correct it.

17 You know, they deal with
18 property receipts, too, but that normally comes
19 from -- if it's drug issues on a property receipt
20 that comes from the chem lab, but someone normally
21 catches the mistake, if it is a mistake,
22 especially when you're dealing with affidavits,
23 which is very important, you have people who look
24 at the stuff and they'll send it back down if it

30 (Pages 117 to 120)

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1 ain't right, and something like this, as far as
2 the supervisor not signing it, and I don't know if
3 they'd get into the affidavit part of reading the
4 probable cause.

5 If I'm looking at this I'll
6 say, okay, they confiscated some stuff. This is
7 the witness officer that confiscated but the
8 supervisor's name is missing, but if I read the
9 affidavit it showed I'm securing the location, I'm
10 going to get more into it, I'm going to say, well,
11 where is the officer's name in the -- as the
12 searching and securing of the property, where is
13 that, and that's where I would see the issues at.

14 But again, I couldn't tell you
15 on this one why it's not in there, it should be in
16 there, and that's what I'm saying.

17 Q. Jeff, generally speaking, do you think
18 there was anything done illegally in this job?

19 A. Yeah. They went to the house before
20 the warrant and -- what I do. That's because I
21 did it.

22 Q. What did you do?

23 A. I basically fabricated to strengthen
24 the warrant of probable cause for me going to the

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1 someone coming out of the location with drugs,
2 okay, the golf ball size object. That clearly
3 strengthens it even more besides the light coming
4 on in the property and now saying I think I
5 believe -- I remember that I did question 3:00 in
6 the afternoon.

7 That means after 3 in the
8 afternoon it was still daylight, and I remember
9 questioning that, if they're going to believe
10 that, because normally -- in the afternoon
11 normally probably you don't click no lights on if
12 the window's up for me to even see into the
13 property. You know what I mean?

14 So common -- again, the only
15 person being fooled was the person believing the
16 story and that's the person who was approving the
17 warrant and the person who is sitting across the
18 table, you know what I mean, putting the job on,
19 and that would be the DA in this situation.
20 That's how blank some of our lives were.

21 Again, go back to the drugs
22 coming out of the location. Again, you had to
23 have it stronger for -- to believe some type of
24 criminal activity is being done at a house,

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1 house, knowingly from the -- giving the
2 information to the affiant who we had a
3 discussion, and that was based on them going to a
4 location which they believed they had probable
5 cause to secure a house without a warrant, and
6 there is no exigent circumstances in this
7 situation.

8 Q. So is it your testimony that you
9 actually fabricated information in this case in
10 order to make -- in order to prosecute my client?

11 A. Yes.

12 Q. Okay. Do you know if the other
13 officers were aware that you fabricated
14 information?

15 A. Yes. The most important person was
16 the affiant.

17 Q. Which was who?

18 A. Police Officer Brian Monaghan.

19 Q. Do you know if Officer Reynolds had
20 any involvement in the fabrication of information
21 in this case?

22 A. I believe we had a discussion on --
23 again, it's the second not tying someone coming
24 out of the location, the second not being tied to

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1 someone coming out of a house with drugs, and then
2 place them into their -- into their jacket or
3 pocket and then proceed to get into their cars and
4 leave the location. That makes it more believable
5 that something is going on at these houses.

6 Q. Were you aware that this was a rooming
7 house occupied by many individuals?

8 A. Yes, it was. Yes, I was. Not at the
9 time we walked in it, no.

10 Q. Did you ever visit that location after
11 the arrest but before your testimony?

12 A. Yes, I did.

13 Q. Why?

14 A. Eventually I went to the location and
15 Monaghan was there and that's when the discussion
16 came about, because they was there before I was
17 there. Eventually the whole squad was there, but
18 no one stayed there.

19 I can't recall if anything was
20 taken out of there that I would tell you right
21 now, but I know looking at the property receipt
22 something was taken out of there, and it wouldn't
23 be the first time we done things like this
24 especially with the supervisors, current

31 (Pages 121 to 124)

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<p>1 supervisors that I was using with this squad, 2 where we went into a location, beat a guy up, took 3 all his stuff out of the house, did the property 4 receipts, don't put a time on there, don't enter 5 them, wait until that warrant come back, wait a 6 little bit, then put the time on the property 7 receipt and then enter it, and we had to actually 8 go back and leave the blue copy. I had did that 9 with two supervisors, and that would be Lieutenant 10 Otto and Sergeant Joe McCloskey.</p> <p>11 So it was very common for us to 12 do these things. So when I say to you what I was 13 known to do and it was custom and practices, I did 14 a lot of things with supervisors, and I felt there 15 was nothing wrong with that because we were doing 16 them, too.</p> <p>17 Q. In retrospect today, do you believe 18 that it was -- what you did was wrong with regards 19 to the violations of policies or laws?</p> <p>20 A. Listen, after sitting in a cell for 28 21 months you kind of realize a whole lot of things, 22 you know what I mean, but I came to the conclusion 23 that I was out of my damn mind doing a lot of this 24 shit.</p>	<p>1 wrap up this as far as my individual case, 2 but I do want to mark for the record the 3 investigation report, 6.</p> <p>4 --- 5 (Investigation Report marked 6 Plaintiff's Exhibit Walker-6 for 7 identification purposes.) 8 --- 9 MR. KRASNER: Off the record. 10 --- 11 (Whereupon, a discussion was 12 held off the record.) 13 --- 14 BY MR. PILEGGI: 15 Q. All right. Jeffrey, I'm showing you 16 what's been marked as Walker-6 for identification. 17 What is that? 18 A. It's the 49. 19 Q. You've got to describe that. What 20 does that mean? 21 A. The 49 is an investigation report. 22 It's actually gives more detail of events that 23 happened during the investigation -- 24 Q. Okay.</p>
Page 126	Page 128
<p>1 Q. Jeff, you testified previously that 2 you were taught this. Did anyone -- do you recall 3 anyone specifically teaching you this, or was it 4 more the atmosphere? Give us a little detail as 5 to how you came about being able to fabricate and 6 steal.</p> <p>7 A. Again, everything starts with patrol, 8 lying, stopping people, trying to fill in the 9 blanks. Older cops tell you this stuff. People 10 say it all the time and no one believes it. It 11 happens. It's a -- it's a world that it's like 12 taboo.</p> <p>13 Some people will go and be 14 lying but they won't steal. I mean, it all 15 depends on how far you want to go with it. You be 16 around long enough you're going to steal. But it 17 starts with coming on the job. It's the 18 atmosphere. Stealing comes when you take the 19 choice.</p> <p>20 Everything I've done I made a 21 choice to do, but the choice was available for me 22 to do. That's all I'm saying. It was available 23 for me.</p> <p>24 MR. PILEGGI: I want to just</p>	<p>1 A. -- detail of facts, and it mentioned 2 the defendants who are arrested, the addresses, 3 and it goes into actually the detailed events that 4 happened into your investigation.</p> <p>5 Q. All right. By the way, Jeffrey, I'm 6 sorry, and I did miss this, back on Walker-3 and 7 4, the two property receipts, it appears that one 8 of the property receipts is signed off by Sergeant 9 Gessner, and that is the one that's dated on the 10 5th, the day that the warrant was executed. Do 11 you see that? 12 A. That would be -- yes. 13 Q. Okay. And then the other one, which 14 was dated the day before on the 4th with the 15 items of the two amber pill bottles and the safe, 16 was signed off by Corporal Sinclair? 17 A. Yes. 18 Q. Why is that? 19 A. You're asking my opinion? 20 Q. Yes. I mean, unless if you have -- if 21 you don't have personal knowledge and you're going 22 to give us your opinion, just make sure it's 23 clear. Yes, I'm asking your opinion. 24 A. Genie didn't want to be involved. It</p>

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<p>1 was taken prior before and she felt comfortable</p> <p>2 taking -- signing the warrant and signing the</p> <p>3 property receipt for the drugs.</p> <p>4 Q. When you say Genie, who are you</p> <p>5 referring to?</p> <p>6 A. Sergeant Gessner, because you got both</p> <p>7 supervisors there in the same room.</p> <p>8 Q. So this is, again, your opinion.</p> <p>9 Based on the paperwork and your</p> <p>10 recollection of what occurred, your testimony, do</p> <p>11 you believe that Mr. Torain was illegally arrested</p> <p>12 and prosecuted?</p> <p>13 A. That's correct.</p> <p>14 Q. Now, Jeff, you did about three years</p> <p>15 in jail?</p> <p>16 A. Yes.</p> <p>17 Q. He did 13.</p> <p>18 A. I know how he feel.</p> <p>19 Q. What do you think about that?</p> <p>20 A. It ain't good, but I know how he feel.</p> <p>21 Q. I'm sorry, what was --</p> <p>22 A. It ain't good, but I know how he</p> <p>23 feels. I did three little years, he did 13, and I</p> <p>24 know what it took me through by being in an</p>	<p>1 articulation, misconduct of the informant on</p> <p>2 levels where sometimes if I sent an informant to a</p> <p>3 location and it's too hot for me to be in that</p> <p>4 location I actually rely on the informant to give</p> <p>5 me all the information of the purchase.</p> <p>6 And the reason why you can sell</p> <p>7 that is if you have a cop sitting across the</p> <p>8 street allegedly watching something, knowing he</p> <p>9 been in that area for so long it's impossible for</p> <p>10 you to do this. It's impossible, you know, and</p> <p>11 these are how -- ways you can tell.</p> <p>12 And when you go into like what</p> <p>13 I did, and I worked with other squads, where an</p> <p>14 informant was let out of the car, and even if</p> <p>15 we're eyes on the informant, the informant would</p> <p>16 disappear and we will call them on the cell phone</p> <p>17 and they'll come back and we'll find them three,</p> <p>18 four blocks down the line and get back into the</p> <p>19 car. Misconduct of an informant. You're supposed</p> <p>20 to watch the informant constantly.</p> <p>21 When the informant gives you</p> <p>22 information and you found out that informant gets</p> <p>23 that -- obtained that information through criminal</p> <p>24 activity, you're immediately supposed to release</p>
Page 130	Page 132
<p>1 environment that I wasn't accustomed to being</p> <p>2 involved with, being a target 24/7.</p> <p>3 So I know how someone</p> <p>4 sitting -- and I know I did it. So I can imagine</p> <p>5 someone sitting in jail for 13 years who didn't --</p> <p>6 in his mind know he didn't do the things that</p> <p>7 these people -- or I said or the people involved</p> <p>8 with me said. What goes through his mind, trying</p> <p>9 to get home to his family -- I mean, put it this</p> <p>10 way. I can understand.</p> <p>11 Q. Okay. Generally speaking, do you know</p> <p>12 if anyone else is sitting in jail illegally --</p> <p>13 A. I don't know.</p> <p>14 Q. -- just because of either your actions</p> <p>15 or the actions of your squad?</p> <p>16 A. As far as I know it's a possibility</p> <p>17 they could be sitting in jail, but I couldn't tell</p> <p>18 you right then and there, but it's -- I believe</p> <p>19 things should be relooked at and decisions should</p> <p>20 be made. That's what I believe.</p> <p>21 Because I can't remember every</p> <p>22 job, but if I could see it I could recall from</p> <p>23 just on the behavior because you're accustomed to</p> <p>24 doing the exact same thing, the exact same</p>	<p>1 him because they have no more information to give</p> <p>2 you. We still keep them aboard. The way you can</p> <p>3 tell that is see how long the informant's been</p> <p>4 there and how much information that informant</p> <p>5 applied to you.</p> <p>6 There's a limited amount of</p> <p>7 information an informant can give you without</p> <p>8 still being involved in criminal activity. When</p> <p>9 an informant runs out of information you can use</p> <p>10 that informant as a purchaser. That's it. When</p> <p>11 an informant is working for years and he's giving</p> <p>12 you all these drug houses and situations like</p> <p>13 that, he's doing -- he's buying drugs. He's</p> <p>14 continuing to buy drugs.</p> <p>15 Once you know that you supposed</p> <p>16 to deactivate him. That's it. They're not</p> <p>17 reliable anymore. You can't believe what they're</p> <p>18 saying. That's all. I mean, that's it. I mean,</p> <p>19 we got informants we've used for years.</p> <p>20 We got cars. The City of</p> <p>21 Philadelphia's paying for it. They didn't know</p> <p>22 that, car payments. When you look at that</p> <p>23 voucher -- look at the vouchers and it show</p> <p>24 they're receiving information and doing buys.</p>

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<p>1 Just call the informant. Talk to them. You don't</p> <p>2 have to believe me, talk to the informant. You</p> <p>3 don't believe I been in the car by myself, talk to</p> <p>4 the informant. They ain't cops. That's how you</p> <p>5 can tell. I mean, it's the truth.</p> <p>6 Pull an informant. He'll be --</p> <p>7 pull an informant. Pull them up. Walker been in</p> <p>8 the car by himself? Yes. Walker search you? No.</p> <p>9 Have you ever met with a supervisor with -- the</p> <p>10 informant, have you ever met with Walker and a</p> <p>11 supervisor? No. Don't ask me, ask the informant,</p> <p>12 that's all.</p> <p>13 JUDGE DIAMOND: Excuse me for</p> <p>14 interrupting.</p> <p>15 ---</p> <p>16 (Whereupon, a discussion was</p> <p>17 held off the record.)</p> <p>18 ---</p> <p>19 THE WITNESS: When you look at</p> <p>20 the voucher, and I said the officer was not</p> <p>21 there and he signs a voucher, just look at</p> <p>22 it and see what the officer was doing. At</p> <p>23 the time I was doing a buy. Can't be in two</p> <p>24 places at one time.</p>	<p>1 were to the point where we were typing them</p> <p>2 because we were doing what we wanted to do.</p> <p>3 Q. Okay, well, wait. Why do they have to</p> <p>4 be written out as opposed to typed?</p> <p>5 A. Because it's like a receipt. If I</p> <p>6 take you to a location, you do a buy, I write it</p> <p>7 out after the buy in front of you. You review it,</p> <p>8 you know what you bought, and you sign.</p> <p>9 Q. So you're saying if it's typed out --</p> <p>10 A. If it's typed you're signing a blank</p> <p>11 piece of paper.</p> <p>12 Q. Okay. It's just not done</p> <p>13 simultaneously, correct?</p> <p>14 A. Repeat that.</p> <p>15 Q. It's not done simultaneously. In</p> <p>16 other words, you're supposed to write it out at</p> <p>17 the time so you can put down when the buy was</p> <p>18 made, where the buy was made --</p> <p>19 A. Yes. You're supposed to write all the</p> <p>20 stuff down.</p> <p>21 Q. Okay.</p> <p>22 A. You're supposed to write it down.</p> <p>23 It's a receipt. No one's going to sign a blank</p> <p>24 piece of paper.</p>
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<p>1 BY MR. PILEGGI:</p> <p>2 Q. So Jeff, let me just -- so I think,</p> <p>3 correct me if I'm wrong, you're obviously</p> <p>4 discussing confidential informants, correct?</p> <p>5 A. Just talking the vouchers and</p> <p>6 confidential informants.</p> <p>7 Q. And when you say -- you mention the</p> <p>8 vouchers you go to remember --</p> <p>9 A. These things.</p> <p>10 Q. -- not everybody knows what you're</p> <p>11 talking about?</p> <p>12 A. Okay.</p> <p>13 Q. When you have a confidential informant</p> <p>14 accompanying any buy that they make, that you're</p> <p>15 steering them to a certain buy, you have to have a</p> <p>16 voucher, correct?</p> <p>17 A. Yes. That's a payment, service.</p> <p>18 Q. And that voucher has the confidential</p> <p>19 informant's number to keep their anonymity,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. And on the voucher -- is the voucher</p> <p>23 written out or is it typed?</p> <p>24 A. It's supposed to be written out. We</p>	<p>1 Q. And then where do they get paid, at</p> <p>2 the scene?</p> <p>3 A. Yes, you can pay them at the scene.</p> <p>4 Not at -- when I'm saying the scene I'm not saying</p> <p>5 if a guy bought it here you're paying them here,</p> <p>6 I'm saying in the area.</p> <p>7 Q. On the street.</p> <p>8 A. Or on the street.</p> <p>9 Q. Okay. Does a supervisor have to be</p> <p>10 there when the CI is -- either makes a buy or paid</p> <p>11 or --</p> <p>12 A. Yeah, and that's -- that's a gray</p> <p>13 area. He doesn't have to be physically -- yes, he</p> <p>14 be in the area. He don't have to physically be</p> <p>15 there watching and all that other stuff, and we're</p> <p>16 getting into a gray area for paying. Some</p> <p>17 supervisors say I want to be there when you pay</p> <p>18 him, some supervisors say I want to be in the area</p> <p>19 that you pay them.</p> <p>20 Just like when you meet up</p> <p>21 doing checks with them, quarterly checks with</p> <p>22 them. A supervisor has to be there with you when</p> <p>23 you check with them. They want -- sometimes they</p> <p>24 get out the car, tell you to get out the car, and</p>

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1 the supervisor get in the car with the informant
2 and they'll be talking to him. What they talking
3 about, I don't know.
4 Q. So -- but it's clear that a supervisor
5 has to be aware that you're using a CI for a
6 certain buy in a certain area, correct?
7 A. Yes.
8 Q. Does that have to be approved by the
9 supervisor?
10 A. Yes.
11 Q. Okay. Does there have to be more than
12 one officer dealing with that particular
13 transaction?
14 A. What do you mean -- there needs to be
15 two officers with an informant, two.
16 Q. Why?
17 A. Again, to safeguard the cop and the
18 CI. It's policy.
19 Q. Okay.
20 A. If you have a female CI, you can't
21 take a female, which I've been known to do, by
22 yourself.
23 MR. KRASNER: Off the record.
24 MR. PILEGGI: Let's take a

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1 have a little bit of a history, correct?
2 A. Yes, we do.
3 Q. Okay. Do you want to explain what
4 that history is.
5 A. In the early part of 2000 we were
6 being sued. We had a number of suits against us.
7 Q. When you say "us," who are you
8 referring to?
9 A. My squad. It would be Police Officer
10 Reynolds, Police Officer Thomas Liciardello and
11 myself, Police Officer Reggie Graham. That's all
12 I can remember right now. That's the main people.
13 We were being sued in a civil action against -- by
14 you of individuals that we arrested.
15 Q. Well, let me just make this clear. I
16 didn't sue you personally, I was suing on behalf
17 of individuals?
18 A. You were suing on behalf of
19 individuals that we were arresting.
20 Q. Okay. Do you remember what -- well,
21 first of all, what was the first lawsuit that you
22 recall?
23 A. I believe it was Dupriest, maybe the
24 Samuel Dupriest case.

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1 break.
2 ---
3 (Whereupon, a luncheon recess
4 was taken, after which time the deposition
5 resumed.)
6 ---
7 MR. PILEGGI: Back on the
8 record.
9 BY MR. PILEGGI:
10 Q. Okay. Jeffrey, something I neglected
11 to ask in the very beginning was whether you would
12 prefer to read and sign, which -- which let me
13 just explain how that works. You would have 30
14 days to look the deposition over and make any
15 corrections that you need to make. If there's no
16 corrections made then the court reporter will then
17 go ahead and certify it and --
18 A. Yes.
19 Q. Or the other option is no read and
20 sign and you don't get an opportunity to do that.
21 What would you prefer?
22 A. I can read and sign.
23 Q. Okay. Now, I want to switch gears a
24 little bit. I don't think there's any secret. We

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1 Q. Do you recall what year that was?
2 A. No, I don't. I don't know exactly
3 what year that was.
4 Q. Does 2001 refresh your recollection?
5 A. Somewhere around there. I know it was
6 the early part of 2000.
7 Q. And the allegations in those cases or
8 that case was that you violated Mr. Dupriest's
9 civil rights as an unlawful arrest and false
10 imprisonment, as well as malicious prosecution.
11 Do you recall that?
12 A. Yes.
13 Q. Some of the same similar allegations
14 that are in the over 200 cases that are presently
15 pending in this court.
16 A. Yes.
17 Q. All right. Were there other cases
18 that followed the Samuel Dupriest case that I
19 filed on behalf of other clients?
20 A. Yes. Another one was the Randalls and
21 the Blaylock.
22 Q. Okay. When you say the Randalls, was
23 it a -- you say it with an S, plural. Was it a
24 group of Randalls?

35 (Pages 137 to 140)

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1 A. I know -- I don't know how many it was
2 but I know it was at least one.

3 Q. Okay. Am I correct that there was
4 probably close to 20 cases in all prior to your
5 arrest where I sued on behalf of clients?

6 A. Yes.

7 Q. Okay. And that stemmed back to
8 approximately 2001?

9 A. Somewhere around that.

10 Q. They all were -- in the same vein,
11 civil rights violations --

12 A. Civil rights.

13 Q. -- for unlawful arrest, excessive
14 force. Do you remember any cases that I filed --

15 A. Yes.

16 Q. -- where there was allegations that
17 you or your squad beat people up --

18 A. Yes.

19 Q. -- during the arrest, prior to the
20 arrest?

21 A. Yes, prior to the arrest and during.

22 Q. And by the way, did that happen often
23 in your years in the narcotics squad?

24 A. Yes.

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1 Q. What would be the circumstances where
2 you would beat someone up?

3 A. Extracting information during an
4 arrest. Any time we felt as though it was an
5 issue with the person we was arresting we put our
6 hands on them. Mainly I was putting hands on
7 people. That was my job at the time, I was
8 putting hands on guys to extract information.

9 Later Norman was involved in
10 that, extracting information, putting hands on
11 people to get information from them. Tommy
12 Liciardello was -- just beat people because he
13 feel they didn't like him or there was an issue,
14 some type of crazy issue. Everyone had their own
15 reason, but I know my reason was to extract
16 information.

17 Q. Now, obviously, police officers can
18 use some kind of force when they feel threatened
19 or there's the threatened safety of others. Was
20 that the reason for using force in these cases?

21 A. No, it was mainly extracting
22 information and just beating them because
23 something wasn't going according to the way we
24 wanted it to go.

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1 Q. And when that happened, did you do
2 anything to cover up these beatings?

3 A. Yeah, we would protect each other on
4 reports. One report I can remember was when --
5 when Tommy pistol whipped a guy because -- after
6 he chased him, and I guess he felt as though he
7 had to do that. That would be Thomas Liciardello.
8 It was myself and Norman was there, Linwood
9 Norman.

10 And I got in a discussion with
11 Thomas Liciardello, listen, I'm not going to do no
12 use of force on that guy. He said I'll take it.
13 And Otto came to the location and we had another
14 supervisor who came also to that location. I
15 can't remember his name. I know he was with
16 his -- he got shot later down the line with one of
17 the shootings I had, he was there.

18 And there was a discussion that
19 Tommy had with Otto, where in the discussion
20 myself and Norman had taken the defendant to the
21 hospital where he received his treatment and then
22 later he was arrested. Use of force was done. It
23 was viewed by Otto and we moved on. We moved
24 along past that job.

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1 Q. Did you ever use force in a situation
2 and then fabricate the need to use force in court?

3 A. Yes. Yes. The reason would be the
4 guy was resisting, he swung a punch at me or he
5 kicked me. That would be more, you know, your
6 physical punching. Or if I chased a guy and he
7 got -- and I punched him and I said I chased him
8 and I pushed him and he fell.

9 There was different reasons you
10 could use -- well, let's say not reasons, but
11 different excuses you could use per injury with
12 each defendant. You don't want to be the exact
13 same way all the time because they seem to pick up
14 on that. We came to be good at that and we know
15 what to use and what time in whatever situation it
16 was.

17 Q. Would you --

18 A. There was a lot of trying and failing.
19 Let's put it this way.

20 Q. Would you ever use -- like over-charge
21 these individuals in court in order to cover up
22 the beatings?

23 A. I don't think over-charge as far as
24 abuse. Any time when we laid hands on someone and

36 (Pages 141 to 144)

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1 they got hurt it would be under resisting arrest,
2 not too much assault on police unless, you know --
3 that -- I'm not saying it didn't happen, but we
4 knew that if you locked someone up on assault of
5 police it normally would bump down to resisting
6 arrest anyway.

7 We basically was using when we
8 put hands on a guy to actually show -- because we
9 couldn't say we didn't use no force if the guy
10 went to the hospital with some type of visible
11 injuries on him. So we had -- we knew the
12 qualifications you have to do a use of force, and
13 we knew that the sergeant was going back,
14 Lieutenant Otto was going back, and if we knew if
15 there was any type of complaint how it was going
16 to be handled.

17 Q. Now, Jeff, when these cases were being
18 filed against you and Officer Liciardello and
19 Officer Reynolds, do you know if Internal Affairs
20 ever did any investigations with regard to
21 allegations in the complaint?

22 A. Yes, I mean, they did the job because
23 when the person complains they have to take a
24 complaint. So it's not like it never took the

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1 up there it's already orchestrated. The
2 pressure's not on him to be asked any
3 out-of-the-way questions because these questions
4 already been answered to the people -- potential
5 witnesses prior to you going up there.

6 Q. So are you saying that Internal
7 Affairs pretty much tipped you off as to what the
8 complaints were, and then you got together with
9 the rest of the squad or whoever was involved in
10 the job, discussed it, how you were going to
11 explain it to Internal Affairs?

12 A. Yes, because it's -- any time I can
13 call Internal Affairs and speak to one of the
14 investigators, the guy investigating, he explain
15 the whole job to me and what the accusation is,
16 what the guy's doing, everything in daily, of
17 course he's letting me know what's going on. I'm
18 getting my story together before I go up there.

19 Q. Does that violate the policies and
20 procedures with regards to IAD investigations?

21 A. I don't know how their -- their policy
22 is with their investigations, but I will tell you
23 this. If they let me know what's going on before
24 I get up there it's basically helping me out a

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1 complaint, it's how we received the information
2 from the complaint.

3 Normally, a typical complaint
4 is if someone files a complaint you get a court
5 notice saying you got to report to Internal
6 Affairs, you got so many hours to get a lawyer.
7 If you want one to represent you, you go up to --
8 your lawyer will meet you up there and you'll
9 discuss what's going on.

10 In fact, what we were doing
11 was -- there's several ways that we were doing it,
12 was the investigator may have reached out to Otto,
13 Otto discuss it -- Lieutenant Otto discuss it with
14 us about what's going on. All -- we felt free to
15 call there and find out who was an investigator
16 and he would explain the whole job to us on the
17 phone.

18 Once we knew what was going on,
19 if it was involving other officers, we had a
20 meeting about what was going to be said. So when
21 each one of us go up there, make sure you bring
22 back that -- your interview, what you said, and we
23 compare it to what everyone else said in their
24 interview, so by the time the target officer gets

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1 whole lot, especially if I did something wrong.

2 Q. In other words, did you feel that IAD
3 was protecting you?

4 A. Yes. I was in the group. We all were
5 being protected. We had no -- we knew if we got
6 in trouble Otto was also there for us.

7 Q. All right. Now, there's these series
8 of lawsuits. At some point you and some of the
9 other squad members filed a lawsuit against me as
10 the attorney, correct?

11 A. Yes.

12 Q. Tell us about that. What happened?
13 And be as detailed as you can.

14 A. Okay. It all starts from Thomas
15 Liciardello. Thomas had this thing about him,
16 when you piss him off, he got to get you back. We
17 were taken off the street for a whole entire year.
18 It hurt his pockets. So he had a vendetta. And
19 on top of that we had to make sure we had no more
20 other lawsuits coming down the line, just feel our
21 credibility's back up if we could say he was
22 caught doing something he had no business doing.

23 So Tommy came up -- I don't
24 know who was with him, but he came up with a

37 (Pages 145 to 148)

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1 private investigator. The private investigator's
2 job was to catch you in some type of lie. The
3 private investigator was going to wear a wire on
4 you but he didn't want to do it in Pennsylvania
5 because it got wiretapping laws, so let's go ahead
6 and do it in Jersey.

7 So somehow you met up with him.
8 I don't know what was said. I know after that
9 point in, somewhere between that, we had filed a
10 lawsuit, and again, that was all orchestrated by
11 Tommy and whoever else was involved. We signed
12 some paperwork and basically was doing everything
13 that was asked for us to do, even to the point
14 where it came when the lawsuit was settled and we
15 signed off on the lawsuit.

16 Q. Let me ask you this. First of all,
17 what were the allegations of the lawsuit that --
18 do you know who was involved in the lawsuit, first
19 of all?

20 A. Reggie Graham, myself, Reynolds,
21 Police Officer Brian Reynolds. I don't know who
22 else was involved in that, but I know we're the
23 main people that was involved.

24 Q. Tommy Liciardello?

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1 were doing it.

2 Q. When you say what I said --

3 A. I'm talking about --

4 Q. -- on behalf of the clients?

5 A. -- on behalf of the clients and stuff
6 like that. We -- and we had to get you off our
7 backs.

8 Q. Why?

9 A. Because lawsuits started mounting up
10 and we had to slow you down. Every -- it was like
11 when one lawsuit came, another lawsuit came, and
12 they started building up. Guys got taken off the
13 street for a year, a couple lawsuits. A few
14 lawsuits we won, some we lost.

15 It was -- Tommy just had a
16 thing what I'm about -- you know, going to get you
17 back for what you did, and we had to get you off
18 our backs, and it worked, and when we separated we
19 knew we were coming back together again.

20 Q. That's what I wanted to ask you. All
21 right. At some point you were separated?

22 A. We were separated sometime after the
23 lawsuits but we got back together. We were told
24 because it was -- again, Tommy's running the

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1 A. Tommy Liciardello, yes.

2 Q. Okay. And do you know what the
3 allegations in the lawsuit were?

4 A. I don't know exactly in detail. I
5 don't want to say something that's not right.

6 Q. Generally do you know what the --

7 A. That you were targeting basically good
8 cops and you were just making things up that
9 wasn't right.

10 Q. Okay. You actually filed a
11 verification that everything in the lawsuit was
12 correct?

13 A. Yes, I did.

14 Q. All right. Was everything in the
15 lawsuit, the allegations in the Complaint,
16 correct?

17 A. In the allegation that you made
18 against us or the allegations we made against you?

19 Q. No, no, no, the allegations you made
20 against me as an attorney.

21 A. Were they correct? No, they wasn't.
22 I mean, we knew we were doing what you said, to
23 answer your question. We knew we were --
24 everything you said about what we were doing, we

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1 squad, Liciardello's running the squad, you're
2 messing with his money, and he liked the people
3 around him.

4 And I remember it was like what
5 do you call it, a draft, when they separated us
6 and made it -- Tommy made it clear I'll take Jeff
7 Walker, I'm going with Chester McCloskey --
8 Malkowski. He made it very clear who he wanted
9 his supervisor to be and who he wanted with him.

10 He knew he couldn't take Brian.
11 Brian went in another part of the City, North
12 Philadelphia. I don't know what division that is
13 but he went over there. I went with Tommy
14 Liciardello. We were told listen, just lay low,
15 when things cool down and we'll come back
16 together.

17 When we came back together
18 eventually we did Kushner's job and we stole
19 again, and that's where the safe comes into play
20 with the money, and that's when I took the safe
21 and we met in the lot and opened it up, Tommy
22 shook Brian Reynolds' hand and said welcome to
23 East and we went back at it again.

24 Q. Now, Jeff, a couple things. Let's go

38 (Pages 149 to 152)

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1 back. First of all, the cases that were filed
2 against you and your squad starting in 2001, they
3 were all -- cases also involving the City,
4 correct?

5 A. I can't understand. Involving the
6 City?

7 Q. Yeah. In other words, the City was
8 named as a defendant for allowing you officers to
9 violate --

10 A. For the crimes, yes.

11 Q. -- people's civil rights.

12 A. Yes. Yes.

13 Q. Okay. At that time am I correct that
14 the City had actually hired outside counsel to
15 represent you as an individual officer, you and
16 Officer Liciardello and Reynolds and Graham?

17 A. Yes.

18 Q. Okay. And they were what we call
19 separate conflict counsel, correct?

20 A. Yes, outside counsel.

21 Q. Okay. Do you recall who that counsel
22 was?

23 A. Kolansky. I don't know his first
24 name.

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1 Q. All right. You say Kolansky. He's
2 from what firm, do you know?

3 A. I don't know the firm. I know he was
4 outside.

5 Q. Okay. Actually, Mr. Kolansky was
6 actually a former FOP attorney?

7 A. I have no idea. I just know he was
8 outside. He was -- he was to assist us. He
9 had -- we had a few meetings with him. We
10 discussed our jobs with him.

11 Basically remind us we all got
12 to stick together. That's the only way you catch
13 a cop is separation, so stick together.
14 Regardless of what, stick together.

15 Q. Now, was Mr. Kolansky or his firm
16 involved in the lawsuit against me?

17 A. What do you mean "involved"?

18 Q. Did he represent you, do you know?

19 A. He represented us, yes.

20 Q. Okay. When you filed the lawsuit
21 against -- against me, were there any discussions
22 as to the allegations that were going to be pled
23 in the Complaint?

24 A. You're talking about allegations that

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1 you made against us?

2 Q. No, no, allegations that you made
3 against me.

4 A. Was it discussed about that?

5 Q. Yes.

6 A. I don't remember a discussion. Again,
7 Thomas Liciardello was leading the whole thing. I
8 mean, basically my job was, here, sign this
9 paperwork, we suing, and follow everything that I
10 do. When we meet up with the lawyer, come to the
11 lawyer. He constructed everything. He was the --
12 he was the boss.

13 Q. Now, let me ask you, am I correct --
14 were you aware that there's a policy that if a
15 police officer is involved in a civil action that
16 there has to be some kind of memorialization of
17 that, in other words, that they either have to
18 send a memo or you have to inform a supervisor,
19 get clearance, approval --

20 A. Yes, I'm aware of that.

21 Q. -- in order to sue?

22 A. Yes.

23 Q. Do you recall getting approval from
24 anyone to sue me?

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1 A. No.

2 Q. Do you recall if Mr. Liciardello got
3 any approval to sue me?

4 A. I don't recall him -- how he did it.

5 Q. Do you know if anybody -- any of the
6 supervisors or any of the powers that be knew
7 before you filed suit that there was an intention
8 to file suit against me?

9 A. Again, I don't know how he did it. I
10 mean, I was still puzzled about the private
11 investigator. I just was okay, he did it. I
12 follow along suit with what was going on.

13 Q. Now, in one of the lawsuits do you
14 recall the Commissioner testifying? It was
15 Commissioner Johnson, Sylvester Johnson.

16 A. Yes.

17 Q. Okay. Do you recall -- you were at
18 that trial, correct?

19 A. Yes, I was.

20 Q. You were a defendant in that trial, so
21 you were at the defense table, correct?

22 A. Yes.

23 Q. All right. Do you recall the
24 substance of the Commissioner's testimony with

39 (Pages 153 to 156)

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1 regards to your actions? And when I say "you," I
2 mean you and the other squad members.

3 A. Yes. It was a discussion on -- one
4 thing I clearly remember amongst other things is
5 discussion on the use of the vouchers, how the
6 vouchers were filled out, why they're typed up,
7 why they're not handwritten, is that custom and
8 policy to do that, is it custom and policy to sign
9 a blank piece of paper for an informant that made
10 a buy. That's what a lot of the topic was on it.

11 And he said it was from -- my
12 interpreting was it was custom, his policy, that
13 it was done. He didn't speak on the police
14 policy, he spoke on what he -- what his thing was,
15 and that he didn't know us, had no knowledge of
16 who we were.

17 We needed for him to say that.
18 Now, how -- why did he say it? I don't know why
19 he said it because I wasn't part of the
20 conversation that was going on with Kolansky and
21 him, but I know he said it, and it helped us out
22 in the civil actions where it basically said it
23 was okay for us to give an informant a blank
24 voucher, an informant to sign a voucher, and us go

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1 didn't think I was doing anything wrong until I
2 spent some time in my incarceration, but even to
3 this point now is -- I believe now what I was a
4 part of was totally wrong, and but I understand
5 now it's still acceptable behavior.

6 And I'm just here to just tell
7 the truth, man. You know what I mean? Doing my
8 part. That's all I'm going to do, man, is do my
9 part. I'm not -- I have no vendetta. I thank
10 them. I thank them every day.

11 Yeah, man, it's just -- it's
12 acceptable behavior. They knew we were stealing.
13 I mean, they, the supervisors, knew. All
14 paperwork goes up, everything. When you make more
15 than one accusation, someone looks at it.
16 Regardless of what the situation is somebody's
17 looking at that paperwork.

18 If you're saying that you're
19 stealing out of this particular unit that we was
20 involved in, eventually to protect you they going
21 to move you. We never was moved no matter what we
22 did. We were separated, but we were brought back
23 together again with the exact same group of
24 people, and that's what happened. That's it.

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1 back into headquarters and type up whatever the
2 hell we wanted to type up in the voucher to do an
3 investigation.

4 Q. Do you think he knew that you were
5 doing illegal -- violating people's constitutional
6 rights on the street?

7 A. I think at that time we were just
8 picking up steam. We have -- it wasn't like it is
9 now. But I can't tell you if he -- honestly tell
10 you that he knew or not, only what he said and I
11 was a witness -- you know, what he said out of his
12 mouth.

13 But as the time went on we
14 started stealing more and more, and I believe one
15 of the questions asked to me later down the line
16 when I was arrested, did anyone know you all were
17 stealing, and the question -- I said it was a
18 refrainment, did anyone know we wasn't stealing
19 because it's the way we were doing things. It was
20 out in the open.

21 You know, we were untouchable.
22 I believed that, too, until I left the squad and
23 got arrested, you know what I mean, and even at
24 that point, even though I was caught I still

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1 Q. Jeff, let's go back to when you were
2 moved. Do you recall how long of a period you
3 were moved?

4 A. It wasn't that long. A year. Not --
5 I can't be exact but it was a period of time. It
6 wasn't long enough because we still communicated
7 with each other. We still had jobs with each
8 other. We still had to make sure that we stuck to
9 the script. If we got any type of complaints we
10 always met up.

11 No one would go up to any type
12 of Internal Affairs without letting somebody know
13 what was going on. We had checked on each other,
14 what you doing over there, we fine, we're doing
15 whatever, and then eventually, you know, we got
16 back together again and we came back together.

17 Q. Were you able to steal during that
18 period of time that you were separated?

19 A. Yes. I stole with Thomas Liciardello,
20 Louis Palmer. That was the main -- that was the
21 main group that I was stealing with. We were
22 close in the car.

23 Q. Jeff, to stick on point with this
24 case, with the case against me, are you saying

40 (Pages 157 to 160)

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<p>1 that the allegations were a mere ploy to back me 2 off?</p> <p>3 A. You had to go. You got to go. You 4 were too close. You were the first. Too close. 5 You had to go.</p> <p>6 Q. Jeff, I want to go into now -- if we 7 can talk a little bit about the policies and 8 procedures, and I guess the first one that I'd 9 like to talk about is the CIs, the use of a CI, 10 confidential informant.</p> <p>11 Now, you already testified that 12 when you have a confidential informant who makes a 13 buy you have to have a corresponding voucher, 14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And you mentioned that the 17 voucher should be written out because otherwise 18 you could just get the CI to sign a blank piece of 19 paper --</p> <p>20 A. You can put anything you want --</p> <p>21 Q. -- and type it in later, correct?</p> <p>22 A. Sorry. That's correct.</p> <p>23 Q. Okay. But so what? What's the matter 24 with that?</p>	<p>1 A. Yes.</p> <p>2 Q. Why is that?</p> <p>3 A. It's policy. He has to witness it, 4 the payment and the buy.</p> <p>5 Q. So were the supervisors informed -- 6 let's assume you typed it up -- they signed a 7 blank piece of paper, you went back, typed it up. 8 Would the supervisor know that the voucher was 9 fabricated, I guess, for lack of a better word?</p> <p>10 A. I wouldn't know if he know exactly. I 11 can't tell if he's thinking if it was fabricated 12 or not because, you know, that was too far early 13 in the game for me, but I know he knew the CI 14 signed a blank voucher because we will type it up 15 and give it to him.</p> <p>16 Clearly he'll look at it and 17 say, well, you know, he must have signed it, it's 18 blank, because you ain't go nowhere to get it 19 signed because the signature's already on it, and 20 he's reading it, okay, well, we'll just sign it 21 and keep -- let's go on to the next.</p> <p>22 Q. Now, Jeff, going back to one of the 23 cases that I had against you, do you recall there 24 being a CI involved that was sent to another state</p>
Page 162	Page 164
<p>1 A. Well, one, you're signing a blank 2 piece of paper. The CI know he getting paid but 3 don't know what he getting paid for, only what he 4 did, who said he did it.</p> <p>5 And two, when you type it up, 6 it looks like -- in their time it looked like an 7 official document because it's typed up. We had 8 something in our mind like we'd make it official, 9 let's type it up.</p> <p>10 No one's going to go into 11 headquarters, type up a piece of paper, go all the 12 way back and find a CI and say sign this voucher, 13 ain't nobody doing that. Because we were 14 sometimes stationed up the far Northeast and 15 you're talking about going all the way down 16 Southwest Philly. I know I wasn't doing it. I 17 know they wasn't doing it.</p> <p>18 And the CI voucher had to be 19 signed that day. If you made a mistake on the 20 voucher, you hooked up with a CI the next day and 21 they signed it.</p> <p>22 Q. Now, Jeff, I see on the vouchers, 23 isn't a supervisor required to sign off on the 24 vouchers also?</p>	<p>1 to hide him out because they were part of the 2 lawsuit?</p> <p>3 A. Yes, I remember that.</p> <p>4 Q. Tell us what happened and who made the 5 decision to secrete this individual.</p> <p>6 A. Well, I know the individual was told 7 to leave because the lawsuits were piling up. I 8 don't recall exactly who, but I know it was -- it 9 was given to her to disappear for a while and come 10 on back.</p> <p>11 I mean, I'm not going to tell 12 you, you know, we were doing something wrong -- a 13 specific person who was -- actually told me that. 14 I don't remember who exactly told me that, but I 15 know the person was told to -- listen, disappear 16 for a minute and come on back.</p> <p>17 Q. And am I correct that to justify that 18 deactivating that -- that person was deactivated, 19 correct, as a CI?</p> <p>20 A. They would be deactivated because 21 you're not in use of them anymore.</p> <p>22 Q. Do you know who approved deactivating 23 this individual to send them away?</p> <p>24 A. I have no idea.</p>

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1 Q. But this individual was somebody that
2 was part of the investigation that led to this
3 lawsuit, correct?

4 A. Yes.

5 Q. And am I correct that there was also
6 another CI that was involved in some of the
7 lawsuits that was that person's partner or
8 boyfriend or husband or --

9 A. Boyfriend, husband, something like
10 that.

11 Q. Okay. That person was also
12 deactivated; am I correct?

13 A. I don't recall if they was or wasn't.

14 Q. All right. Do you know if any of
15 those CIs -- either of those CIs were committing
16 criminal acts while they were acting as
17 confidential informants for you?

18 A. Yes. One used to carry a knife. I
19 said why don't you carry a knife on you just in
20 case I can't get out and -- all right. Go make a
21 buy and come on back. You know, we're hoping he
22 wouldn't stab nobody. But he came on back with
23 the buy. We gave him money, go on the buy, and
24 come on back.

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1 Q. So in other words, you were violating
2 the law as police officers in order to prosecute
3 someone else for violating the law. Is that fair
4 to say?

5 A. Yes, it is.

6 Q. And did that happen often, when you
7 would use a CI illegally?

8 A. Use a CI illegally. The only way you
9 use a CI illegally is use a source of information.

10 Q. Well, use a CI who you knew was
11 committing a criminal act.

12 A. Yeah, that was common. That was done
13 throughout the unit, and I can say that because
14 that be in my presence working with different
15 squads. I only can say what I know when I was
16 part of what was going on.

17 Q. Was that something that if -- if there
18 was such an act, would that be something that
19 would have to be brought to the attention of the
20 supervisors?

21 A. It would be brought. It should be
22 brought to the attention of the immediate officer
23 to the supervisor, but again, we be using these
24 CIs for so long, and you got a question that when

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1 the CI is supplying you with countless information
2 and within that information doing buys, you gotta
3 question how are you getting this information.
4 You know what I mean?

5 And that's anybody's question,
6 but we already knew what the question was, the CI
7 was committing crimes to gather information to
8 give to us, and we took that information and we
9 established warrants and we locked people up and
10 in some cases we stole.

11 Q. Now, again, going back to these cases
12 and then I'm -- specifically do you recall if --
13 an investigation with regard to the allegations in
14 some of the complaints that you brought against
15 you and Officer Liciardello and Reynolds and
16 others, whether the City initiated investigations
17 to IAD in looking into these complaints?

18 A. Repeat that.

19 Q. That was an unclear question, but --

20 A. Repeat that again for me.

21 Q. Yes, it was unclear.

22 Do you know if IAD did any
23 investigations as to the allegations in some of
24 the complaints that I brought against you from

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1 2001 on?

2 A. I believe they did, but I don't
3 know -- I can't tell you what the outcome of it
4 was.

5 Q. Do you know who initiated -- normally
6 IAD investigations are initiated through the
7 complainant, the person that gets arrested or --
8 or neighbors, somebody who is involved in the
9 arrest; am I correct --

10 A. Yes.

11 Q. -- that the complainant --

12 MR. SANTARONE: I just want to
13 make a general objection here, Mike, because
14 it's not your deposition. You're making
15 your statements and then are asking
16 questions and I'll just note that.

17 MR. PILEGGI: Okay. Fair
18 enough.

19 BY MR. PILEGGI:

20 Q. Was there -- do you know who initiated
21 the investigations the IAD conducted with regard
22 to the cases that I brought?

23 A. You're talking who I know as far as
24 the initial investigator?

42 (Pages 165 to 168)

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1 Q. Yes.

2 A. No, I don't.

3 Q. Okay. Now, let's talk about IAD a
4 little bit. What's -- do you feel like IAD
5 protected you guys, or how did that work?

6 A. They protected us, period.

7 Q. I mean, you had already testified that
8 they would tip you off as to what the allegations
9 were. Do you know if they protected you in any
10 other way?

11 A. Let us know what's going on is good
12 enough for me. It covers everything. When you
13 get the court notice, talk to Otto or Otto will
14 tell you or we'll call up there. They give us the
15 whole investigation on the phone so we're prepared
16 to know what's going on before we go up there.

17 Some investigations they be
18 calling and telling us the accusations they
19 saying. You know what? I think I'm going to get
20 a lawyer on that one. Okay. But still nothing
21 happens. We already know. No surprises. No
22 trick questions, we know, and if I know, the guy
23 that's a target, I'll bring my paperwork and I'll
24 show him. Or if it gets -- one of the

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1 investigations gets deep we all sit down and we
2 talk who is supposed to do what, who did this, who
3 did that, and that's it.

4 I think there was one issue
5 towards the tail end where I had spoken out and
6 inform the government on -- it was a text. I
7 broke the rules regardless of what was going on.
8 I did not tell Thomas Liciardello what -- one, I
9 went up there to talk to somebody, and two, what
10 was said when I got back. That was a problem.
11 And that's it.

12 Q. Were you aware -- well, strike that.

13 IAD's investigative powers are
14 only to investigate police officers, correct?

15 A. I couldn't answer that question.
16 They're investigators. Again, that's a whole
17 different department. The only thing I know,
18 they're investigating cops.

19 Q. Okay. Well, have you ever heard of a
20 situation where they investigate citizens?

21 A. I mean, again, my assumption is
22 they're -- again, they're investigators who want
23 to investigate everything as part of the
24 situation. So you're going to talk to people on

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1 the street. Anybody who's involved in the
2 allegation made against the police officer.

3 Q. Okay. Let's talk about some safety
4 issues. First of all, do you feel threatened
5 today? I don't mean today, I mean presently.

6 A. Listen, I know how the game is played.
7 I talked and I told. Something could happen to me
8 at any given moment, home, walking, whatever. I'm
9 more concerned of my family, not being there for
10 my family.

11 Since I've been home my
12 neighbor -- I was walking somewhere. My neighbor
13 pulled me to the side. I'm walking. Come here
14 for a second, let me talk to you. I said what?
15 What's up, man? He said be careful bro, be
16 careful. He said I don't know what you're doing
17 but be careful.

18 I said what? What's going on
19 now? He was like listen, a policeman stopped me.
20 I said who? He was like somebody in a uniform.
21 First he thought he was some type of boss or
22 something. I said white shirt? Yeah. He was
23 like listen, he thought I was you. Now, he has
24 long dreads and they knew I don't have no dreads

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1 no more.

2 And he was like calling his
3 name out -- me, Jeff, and he pulled him over. He
4 said -- he said to him -- he said are you -- he
5 said I thought you was Jeff. He said no, I ain't
6 Jeff. He said do you know Jeff? I said yeah, I
7 know Jeff, he's my brother. He's not my brother
8 but he concerned about my well-being.

9 He said why? What's going on
10 with you? Why? What did you do? What's going
11 on? He was like well, I'm just asking about it,
12 just making sure, you know, we all right, you
13 know, and he just rubbed it off and kept going.
14 That's -- my guy did. He just left the
15 neighborhood.

16 So he told me that. I was a
17 little concerned. You know, I told my PO, but
18 again, I don't trust anybody because I know how I
19 was, and I don't trust nobody in law enforcement
20 no more because I know the world I came from. So
21 I said -- I said -- I said all right, I'm just
22 going to just make sure I'm more leery when I go
23 out the door.

24 So I seen him again and he says

43 (Pages 169 to 172)

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1 yo, you cool? I said yeah. I said who was that?
 2 And he said it was lieutenant, because he had
 3 thought about what he saw. So I was like all
 4 right. He said listen, I'm not trying to -- I
 5 told him, I said listen, I'm not trying to bring
 6 you into nothing. I don't want nobody coming to
 7 you asking you nothing because, you know, you kind
 8 of know my situation if someone come asking about
 9 me.

10 They already know I done told
 11 on some cops. Regardless if they feel they were
 12 right or wrong I done told on some folks and they
 13 got their jobs back and I'm out here on the
 14 street. So I said -- they don't want no parts of
 15 it, in that situation. So they just basically
 16 giving me the heads up letting me know, listen,
 17 just be careful, which I took it and I said okay,
 18 I appreciate it, and that's it.

19 Who the cop was? I don't know.
 20 Who I suspect it is? I'm not putting nobody's
 21 name in something that I don't know. But I know
 22 he had no reason to lie to me about nothing. I
 23 mean, he came to me. I ain't look for him, he
 24 came to me. I'm walking, he came to me. So I

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1 Reggie Graham. I said these folks is crazy,
 2 man. You know what I mean? It just --
 3 these people knew what was going on. Reggie
 4 knew what was going on about -- about --
 5 with the situation we were stealing and --
 6 because he was -- he was stealing too and I
 7 know it was time for me to go.

8 Eventually I got out of the
 9 squad and I went to Gorman's squad, but it
 10 wasn't over yet. That carried on -- the
 11 separation carried that I had -- the
 12 separation from me and the group of people
 13 carried on to the next squad. I verified
 14 where it is coming from. Thomas
 15 Liciardello, they tell us don't -- stay away
 16 from him. I'm hot. You talking to the feds
 17 and you're stealing. So I'm like okay.

18 Yeah, I was stealing. The feds
 19 were talking to me but I wasn't talking to
 20 the feds. I didn't want to give these dudes
 21 up. All right? Regardless what the
 22 situation looked like, I was stealing with
 23 them and I knew if I talked and told them
 24 that the folks I was with was stealing I was

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1 took it as I was concerned. I said okay, I'll
 2 keep that in mind.

3 Q. Prior to your arrest, were you ever
 4 threatened by any of the other members of your
 5 squad?

6 A. Yeah. John pulled a gun on me.

7 Q. When you say John, John who?

8 A. Speiser pulled a gun on me, which I
 9 thought it was -- he had to be out of his mind
 10 to -- I mean, it got that deep to the point where,
 11 you know, you pulling a gun on someone. I knew he
 12 was in a bad place at that time and I knew it was
 13 time for me to go and I said you know what, maybe
 14 if I could talk to the sergeant, let the sergeant
 15 know, he would put a stop to things. He basically
 16 told me get out of the squad. Leave. I said
 17 okay. I still stayed around a little bit. That
 18 would be McCloskey.

19 MR. KRASNER: First name?

20 THE WITNESS: John. Joe.

21 Whoever. Joe McCloskey.

22 And then when I didn't get no
 23 response out of him I definitely called the
 24 agent because I had his card. Then I told

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1 going to jail, too, and I wasn't doing it.

2 I was spinning these guys,
 3 telling them whatever they wanted to hear,
 4 what they thought they was hearing, but they
 5 was never getting to what they needed to get
 6 done, and that was it until I was arrested.

7 BY MR. PILEGGI:

8 Q. Did you ever receive any threatening
 9 texts from anyone before your arrest?

10 A. Yes, that was Thomas Liciardello sent
 11 me some texts because -- that resulted from the
 12 conversation that we had about them gambling when
 13 they were working, and the question was asked of
 14 me about that, and I guess he found out some type
 15 of way, and he was mad because I didn't discuss it
 16 with him.

17 Q. And who did you say -- who did you
 18 interview with --

19 A. One of the --

20 Q. -- about the gambling?

21 A. One of the -- no, it wasn't -- it was
 22 a conversation that we had with the investigator,
 23 and the investigator made a statement, not knowing
 24 I was just as dirty as they were, you better get

44 (Pages 173 to 176)

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1 out of the squad, you're walking on eggshells,
2 these dudes -- they know these dudes are stealing,
3 and I just took it like okay.

4 But it was a discussion that I
5 had with an investigator about -- I forgot how it
6 came -- went down, but it was about gambling at
7 the SugarHouse, and I think the conversation got
8 back to Thomas Liciardello, and he texted me and
9 we got into an argument match over the texts, and
10 it was -- it was very clear that listen, I'm going
11 to let everybody know you're ratting, hope you
12 die, just back -- like a bunch of childish stuff
13 going back and forth. I'm going to let Norman
14 know what you said.

15 But that was only about, you
16 know, the situation I used to always crack jokes
17 on Norman and -- to them, and it was nothing -- it
18 was nothing serious with that situation, but he
19 used that over my head to separate me and Norman,
20 but it was very clear to me that in those texts it
21 showed that I'm by myself. No one's going to work
22 with you. You're on your own.

23 And I know at that point it
24 was -- it was -- it was heading out. I had to go.

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1 It was time for me to go. I was no need -- I was
2 all right working by myself, so, you know, I know
3 if I was stealing I can have the ability to steal
4 on my own, do the exact same tactics they were
5 doing. I can survive on my own, and that's
6 exactly what I did until I was arrested.

7 MR. WILLIAMS: Mike, I'm sorry
8 to jump in but just to clarify. I'm Jerry
9 Williams.

10 What investigator were you
11 talking to?

12 THE WITNESS: I can't recall.
13 I know it was a female investigator from
14 Impact.

15 MR. WILLIAMS: Okay, that's
16 where, from Impact.

17 THE WITNESS: They wasn't --
18 nothing I knew was changing. They wasn't
19 investigating us no more out of regular
20 Internal Affairs, we was going to Impact,
21 which is a totally different investigator --
22 actually you don't walk out of there with
23 your -- with your statements. The Internal
24 Affairs, you walk out with your statement.

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1 Impact you don't.

2 And that was -- the issue was I
3 didn't tell Thomas Liciardello that I was
4 going up there, and I definitely didn't tell
5 him when I was coming back.

6 BY MR. PILEGGI:

7 Q. Do you know if any of the other
8 officers in your squad or yourself had made
9 threats to any citizens? And let's -- aside from
10 arrests, during the -- during someone's arrest or
11 investigation, was there any other threats made to
12 the public citizens?

13 A. I mean, we was threatening them. You
14 call them citizens, we was threatening everybody.
15 We was threatening guys we were locking up. We
16 were -- the thing was guys we see on the street
17 and we dealt with them.

18 As far as arresting them, we
19 would pull them off to the side and get them in
20 the car and then basically threaten them all types
21 of ways, and one of the common ways we're doing it
22 is we're going to kick your ass and do all types
23 of stuff to you and situation is you're not going
24 to deal with your family, some situation dealing

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1 with your family. It was a whole bunch of
2 childish things that was going on in the cars
3 riding around with these guys, and it was letting
4 these guys out and they go about their business.

5 One guy speak -- from South
6 Philly was a deaf guy, some guy -- he was deaf, we
7 always used to harass, and the guy worked -- hung
8 out at a bar on Oregon Avenue or Passyunk,
9 somewhere down in South Philly, and they used to
10 call the bar all the time and just harass this
11 dude constantly all day long. I mean, they used
12 to tell the people that he was snitching and all
13 the time -- kind of childish things and -- but it
14 was like kids, you know what I mean, running
15 around with badges just doing whatever we wanted
16 to do.

17 Q. Jeff, was there ever an incident where
18 you ever informed known drug dealers that someone
19 was snitching on them?

20 A. See, that's a dangerous field for me.
21 Even if I tried to do that, I wouldn't do it. If
22 I threatened something of that, I wouldn't do it.

23 See, Tommy was -- Tommy
24 Liciardello was known for that. His thing was

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<p>1 he'll rob you, and he feels as though you a 2 threat, he told other drug dealers you told on 3 that you snitched. That was his whole MO. 4 He used to ride around -- we 5 went from -- one particular guy, his name was King 6 Kong, and we went from chasing this man all up and 7 down Roxborough, sitting on him, and we couldn't 8 catch him. Next thing you know he hanging with 9 him, going on vacation with this guy, breaking 10 bread at his table with his family with his guy, 11 bringing him to bar, bragging about how much money 12 this guy got in his tree business. 13 I'm looking at him like he had 14 two heads. Even the sergeant was looking at him 15 like he had two heads. He -- that one person 16 made Sergeant McCloskey more nervous when he 17 started hanging out with that guy. 18 I remember the incident we was 19 in the house and they were walking around wearing 20 King Kong shirts, and the guy in the incident's in 21 the house. Guy said how you locking me up for 22 drugs? You walking around wearing a shirt of one 23 of the biggest drug dealers in Roxborough. How is 24 that going? He -- Tommy picks his phone up and he</p>	<p>1 know what I mean? 2 The thing was we robbed this 3 guy, we come out rough with these guys. We 4 get them to communicate with us, beat them 5 up, whatever we got to do. One guy was 6 Kushner, you know. We made that guy tell 7 where he lived at. We had no idea where 8 that guy lived at. Once we got him on board 9 he started talking. We were playing 10 basketball with the guy. Now he's your best 11 friend and they talking about family, all 12 like -- it was crazy. You know what I mean? 13 You go from threatening the guy 14 and his family, next thing you know you're 15 best buddies. He's giving you jobs. He's 16 doing this and this and that. The only 17 thing that guy will be going to do was stay 18 out of the way, and the thing was you give 19 me a green light, you do whatever you want 20 to do. 21 That was another thing that was 22 held over our head, too, by Thomas 23 Liciardello was you get a green light. You 24 do whatever you want to do, man. You know</p>
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<p>1 dials King Kong and then he said what did you say 2 else about him? Then he's just sitting there just 3 running his mouth, running his mouth, running his 4 mouth. 5 MR. KRASNER: I'm sorry. He 6 said -- what did you say? 7 THE WITNESS: He -- what did 8 you say about King Kong? And Tommy -- the 9 guy sitting there just running his mouth and 10 Tommy got his phone. I just looked at him 11 and said man, that ain't good at all. 12 There was one incident a little 13 bit further back where Tommy told on a guy 14 and the guy was killed and he felt it was 15 okay to do that. You know what I mean? It 16 was like dude, man, people out here dying, 17 man. You know what I mean? I would draw 18 the line on certain things. I would steal, 19 I would beat people up, but I'm not going to 20 go out and be telling on somebody and say 21 listen, man, people just told on you, but I 22 know it was a tactic they was using to cover 23 the tracks, but it was a dangerous tactic 24 because people get hurt and get killed. You</p>	<p>1 what I mean? Just throwing something back 2 here and there, we'll give you a green 3 light, you do whatever you want to do. 4 BY MR. PILEGGI: 5 Q. What do you -- what do you mean by a 6 "green light"? 7 A. Green light means you go ahead and 8 sell drugs and we won't mess with you. Ain't 9 nobody going to mess with us. If anybody -- if 10 anybody going to mess with you it's going to be 11 us, so you go ahead and do whatever you want to 12 do. 13 And a lot of those dudes, you 14 know, they went from us chasing them to them 15 calling his phone and giving him information to 16 being best friends. Sources of information, here, 17 I got a job for you, calling the guy up for him. 18 The guy's supposed to bring you something. It was 19 common. It was a regular basis. That's where all 20 the real money come from, where the guys is 21 already plugged in with other guys and they would 22 call these guys up and deal with them. 23 That's how we got the guy I 24 hung off the railing. Kushner called him. Brian</p>

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1 said he called him. Kushner called him.
 2 MR. KRASNER: Brian who?
 3 THE WITNESS: Reynolds. Brian
 4 Reynolds said I called him. No, you didn't,
 5 Kushner called him. Because that guy don't
 6 deal with nobody but he know. He dealing
 7 with large quantities of drugs, and you
 8 ain't dealing with nobody you don't know on
 9 the outside. You're going to call my phone
 10 and ask for whatever and you don't know me?
 11 BY MR. PILEGGI:
 12 Q. Jeff --
 13 A. I'm sorry, I'm getting rattled. Go
 14 ahead.
 15 Q. Wait, wait, wait, wait, Jeff. Why
 16 don't you tell us about the Kushner job and then
 17 that leads to the next job.
 18 A. All right. Kushner's job was one of
 19 the very first jobs we did with Brian Reynolds.
 20 Q. And that was -- let me just stop you.
 21 That was after they brought you back together?
 22 A. After they brought us back together.
 23 Q. Okay. All right.
 24 A. I don't know who was assigned. I

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1 believe it was Thomas Liciardello was assigned the
 2 investigation job. I don't know how he got it,
 3 where it came from. I knew that information that
 4 I gathered about being in the car with them was
 5 Thomas -- not Thomas, Kushner was a heavy
 6 marijuana dealer.
 7 The old saying was them good
 8 guys who liked to entourage, young white dudes,
 9 with cargo pants, Polo shirts and Rolex watches.
 10 Don't know nothing about cops, know nothing. They
 11 scared to death. They making money. Perfect guys
 12 for us.
 13 We seen -- we've been following
 14 Kushner around for a period of time and got lucky.
 15 One day it was me, Brian Reynolds and Thomas
 16 Liciardello in the car. Kushner was in his Hummer
 17 smoking marijuana. Somebody would say hey, you
 18 can smell marijuana in the car. Listen, you can
 19 smell marijuana, the guy got his window down,
 20 we're following right behind him.
 21 We cut him over, we pull over
 22 in front of him. Immediately Tommy jumps in the
 23 car, Kushner's car, and I jump in right behind
 24 him. Kushner's quickly put into our car. Kushner

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1 got a big bag of marijuana in the car, some bags
 2 of marijuana, he got some money. Tommy
 3 immediately shoots for the money.
 4 But before we get to that
 5 part -- that did happen but when we switched cars
 6 we went to another area, a dark area, where we
 7 started interrogating Kushner, find out where he
 8 lived at, what's going on. Even if we had any
 9 information that he lived at where we went,
 10 Kushner confirmed it. He confirmed the apartment.
 11 He confirmed the apartment number. He took his
 12 keys.
 13 We decided that we were going
 14 to go to the apartment. Brian Reynolds was in --
 15 I get a little mixed up what car we was in, but
 16 we -- me and Tommy was in Kushner's car splitting
 17 up Kushner's money. Brian took Kushner to the 5th
 18 District, where before he did that Tommy made a
 19 phone call to whoever that he was going to the
 20 5th.
 21 Me, Thomas Liciardello closely
 22 followed behind Brian Reynolds, went to Kushner's
 23 apartment. Tommy went inside the apartment
 24 building with me. We talked to the person at the

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1 desk, which was an ex-cop that I knew in the 16th
 2 District who retired some years ago. He knew me
 3 very well. He knew I was a good dude. But we had
 4 to get past him to get to the manager, which was a
 5 female, white female.
 6 She actually guided us where
 7 the apartment was. We said we had it from there.
 8 We opened the door with a key. Kushner has a
 9 poster in there, and Tommy makes a smart comment
 10 he ain't no gangster -- a poster of a gangster, I
 11 don't know, John Gatti or something in his
 12 apartment. He said he ain't no gangster.
 13 We're walking around in his
 14 apartment. We see a safe in the closet. It's a
 15 nice safe. I don't know, it's probably about a
 16 foot high, a foot wide -- a foot high, you know,
 17 two -- about two and a half feet high, maybe a
 18 foot wide, metal safe. We both look at it. Tommy
 19 says take that safe out of there. Take that safe.
 20 I looked at him crazy like.
 21 How am I going to get this out? We all the way up
 22 on the floor. Listen, I'm going to check and
 23 look. We knew the elevators had cameras. We knew
 24 they had cameras in the hallway, but where

<p style="text-align: right;">Page 189</p> <p>1 Kushner's apartment was there was no cameras. So</p> <p>2 I said listen, I'm going to go scout out. No one</p> <p>3 there. Picked the safe up, carried the safe</p> <p>4 downstairs.</p> <p>5 When I carried the safe</p> <p>6 downstairs I had to stop because it was heavy.</p> <p>7 When I got out I met them outside. I mean "them"</p> <p>8 was Brian Reynolds and Tommy Liciardello. Took</p> <p>9 the safe and put it in the car, the car we were</p> <p>10 driving. I forget what car, but we put them in</p> <p>11 car. No way if we get that safe out of there --</p> <p>12 put it in the car.</p> <p>13 When I got the safe back to</p> <p>14 headquarters, I took the safe out of the car we</p> <p>15 were driving and put it in my car. Once I put it</p> <p>16 in my car, we started processing the work, and</p> <p>17 somehow the sergeant appeared later down the line.</p> <p>18 He was saying at the -- he was not there at the</p> <p>19 location at all. Sergeant McCloskey was in</p> <p>20 headquarters when we were doing all this stuff.</p> <p>21 And eventually when he came out there -- I</p> <p>22 couldn't tell you if he eventually came out or</p> <p>23 not, but we done did all we did already before he</p> <p>24 even got out there.</p>	<p style="text-align: right;">Page 191</p> <p>1 counting who getting what.</p> <p>2 Everybody just grabbing. If I</p> <p>3 got four piles, you got four piles. The thing</p> <p>4 about I found out later, if I got fours piles of</p> <p>5 twenties and fifties and you got four piles of</p> <p>6 hundreds and fifties, that's not -- that's not an</p> <p>7 equal split.</p> <p>8 So the point of this is he</p> <p>9 said -- they shook hands, welcome to East. Tommy</p> <p>10 shook his hand. They smiled. Jeff, get rid of</p> <p>11 the safe. I remember taking the safe to the</p> <p>12 bridge off of Ridge Avenue near the East Falls</p> <p>13 Bridge. I don't know, that's two -- several</p> <p>14 bridges up there but it's like a train trestle</p> <p>15 bridge. I took it and threw it in there and I</p> <p>16 went about my business.</p> <p>17 We hooked up with Kushner</p> <p>18 later, and this guy was scared to death. He</p> <p>19 immediately started talking. He questioned two</p> <p>20 things. I had a safe in there, where is that at?</p> <p>21 We said listen -- we denied it. We said it ain't</p> <p>22 no safe in there, you know, we didn't see no safe</p> <p>23 in there, maybe the security took it out of there,</p> <p>24 and he complained about a Rolex watch being gone</p>
<p style="text-align: right;">Page 190</p> <p>1 When we actually did the</p> <p>2 warrant, we went back there again, did some more</p> <p>3 searching around. Whatever was in there, we took</p> <p>4 some stuff. We confiscated whatever was in there</p> <p>5 because of the warrant. We got what we wanted.</p> <p>6 We had the safe.</p> <p>7 When the job was over, we all</p> <p>8 met. Me, Brian Reynolds and Tom Liciardello met</p> <p>9 at headquarters. We were getting ready to get</p> <p>10 pulled off. We took the safe in a big lot near</p> <p>11 Roosevelt Boulevard just before you get on the</p> <p>12 Expressway. It's where -- I don't know -- where</p> <p>13 that sunken house used to be at the bottom of the</p> <p>14 Boulevard.</p> <p>15 We took the safe over there far</p> <p>16 from -- from the Boulevard. That whole area was</p> <p>17 sunken in, so we took it to one of those areas</p> <p>18 right there that was isolated. I opened the safe</p> <p>19 with a crowbar and then the -- it was full of</p> <p>20 money. We reached out and -- it wasn't nobody</p> <p>21 counting no money because I said it was a lot of</p> <p>22 money, and here it was more than that, but listen,</p> <p>23 we don't -- when you got money like that bagged up</p> <p>24 you ain't sitting out in the middle of nowhere</p>	<p style="text-align: right;">Page 192</p> <p>1 out of there.</p> <p>2 I think he was more scared of</p> <p>3 what we was doing because he said I Googled you</p> <p>4 guys, because he Googled us and your complaints</p> <p>5 came up, the lawsuit came up that you had. So he</p> <p>6 talked -- we had a discussion about that. So he</p> <p>7 didn't want -- he already knew he didn't want no</p> <p>8 problems with us.</p> <p>9 Then the job with the Costa</p> <p>10 Rica guy comes up. That was the supplier. He</p> <p>11 brought either mushrooms -- I remember mushrooms.</p> <p>12 I don't know too much of marijuana but I know he</p> <p>13 had boxes of mushrooms. He said set him up. He</p> <p>14 made a phone call.</p> <p>15 Now, it could have been --</p> <p>16 there could have been a warrant already done up</p> <p>17 based on information he gave us. If we had gotten</p> <p>18 the -- the drugs we were going to do the warrant.</p> <p>19 It could have been one of those type of warrants,</p> <p>20 I'm not clear, but I know we went in his house --</p> <p>21 this apartment.</p> <p>22 First of all, he came down.</p> <p>23 The deputy came down. Blackburn was there. My</p> <p>24 sergeant was there.</p>

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1 Q. Who was your sergeant?

2 A. McCloskey, I believe it was.

3 MR. KRASNER: First name?

4 THE WITNESS: Joe.

5 MR. KRASNER: Who is the
6 deputy?

7 THE WITNESS: Blackburn, drunk,
8 drunk as well. He had a black -- a driver,
9 a skinny black girl. Captain Warren was
10 there and -- yeah, Captain Warren was there.

11 Brian made the phone call. I
12 said Brian, Kushner made the phone call.
13 The paperwork said Brian made the phone
14 call. I know for a fact Kushner made it
15 because they had a discussion about that
16 prior, before, and he was the one that made
17 the phone call.

18 A guy comes down off the
19 stairway and Blackburn tackles him, amongst
20 other people tackled him too. He made a
21 comment because Blackburn almost fell
22 because he was drunk when he grabbed him.
23 He did fall. He actually fell on top of
24 him. And they handcuffed him, took him

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1 information. When I had a chance to read
2 the documents and the paperwork and it
3 clearly said oh, the guy fully let you go in
4 his phone and pull out his -- all his
5 additional information that's incriminating
6 towards him.

7 And I said right now I was
8 there. That man got hung over the balcony,
9 not by me, by Norman, and he freely gave up
10 the information, because he didn't know what
11 was going to happen to him, and he gave it
12 up, and that's how they got more additional
13 information based on what the phone was, and
14 we made a phone call and a guy came down
15 from New York and all that other stuff.

16 BY MR. PILEGGI:

17 Q. Jeff, was anything stolen in that --
18 the Costa Rican job?

19 A. Well, not to my knowledge. I found
20 out something was stolen.

21 Q. What do you mean, later?

22 A. Later, a suitcase full of money,
23 \$210,000, but I had no knowledge of that because
24 we went to the house twice -- the apartment twice.

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1 upstairs, and there was a black guy sitting
2 in the apartment -- in the apartment, a
3 black guy was sitting there, boxes full of
4 mushrooms all over the place.

5 Somehow he was sitting there,
6 his phone was on. I picked up his phone.
7 They didn't notice to look at it, but he
8 was -- the defendant was looking at it
9 first, but I believe Tommy grabbed it and it
10 was unlocked, and then he put it down not
11 even going through it yet because so much
12 was going on in the apartment.

13 The guy picked it up, the
14 defendant, and he locked it. Tommy picks it
15 up again and said why is this thing locked?
16 Unlock this. And the defendant refused to.
17 Jeff, Norman, basically do what you do. And
18 we took him out -- normally we take them to
19 an area where we can do some work on them
20 and beat them up, whatever.

21 As soon as we took him to the
22 balcony, Norman grabs him and lifts him
23 over. He quickly gave up the code of that
24 phone, and that's how I got all the

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1 We went the first time during the warrant and the
2 second time we went the day after going around
3 again with the supervisor.

4 And I already -- I'll tell you
5 this. I already know once a warrant is executed
6 and you leave that property you basically -- if
7 you're going back into that property again you
8 need another warrant.

9 We were freely doing that, too.
10 If we feel that we forgot something and had to
11 look around again we go freely search it again,
12 but we already had the first covering warrant
13 already, and we had keys already, and the guy was
14 already in custody, so we can do whatever we want
15 at that point. So we went to the location twice.

16 Q. When you said you found out later that
17 \$210,000 in a suitcase was stolen, how did you
18 find that out?

19 A. The Federal Government, because they
20 actually asked did I have something to do with it
21 and I told them no. I said it ain't -- it ain't
22 surprising to me something was taken and I had no
23 knowledge of it. Again, if I had took every
24 thousand, it was multiplied what they took because

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1 I was not part of everything that they did. I
2 only was part of extracting information. If I was
3 there -- if something was taken and I was there I
4 got part of it.

5 It wasn't no oh, Jeff, we just
6 found this money and, you know, we'll give it to
7 you. That wasn't happening with me and it
8 definitely wasn't happening with Norman. You had
9 to be there. You had to be on their heels.

10 A lot of time they did a
11 warrant -- that's why the squad was so small, so
12 small. We had the smallest squad in the whole
13 unit. You're talking about six, seven cops in the
14 whole unit. You got squads for 13, 12 people, the
15 standard amount of people running in these houses.
16 No one questioned it.

17 And we were securing these
18 houses with three people, two people, taking --
19 going into the houses without supervisors and
20 securing these houses. No one would question it,
21 what we were doing, and if anyone came to the
22 squad we didn't like, Tommy was the one that said
23 they wasn't supposed to be here.

24 That's why we didn't -- we

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1 I couldn't tell you how long she was there. She
2 was working under Chet, Chester McCloskey --
3 Malkowski.

4 Q. Jeff, I'm going to ask you just
5 generally about search warrants -- or about
6 searches, I'm sorry, not warrants. Did you ever
7 search a house without a warrant?

8 A. Yes.

9 Q. Okay. Again, just an approximation.

10 A. Hundreds of times.

11 Q. How would that go? First of all, why
12 would you do that?

13 A. To steal.

14 Q. Okay. But am I correct that even when
15 there were warrants executed you stole under those
16 circumstances, too?

17 A. We stole either way. If it was there,
18 we stole it. If we wanted to take it, we took it.
19 We didn't take all the time because we had to give
20 some money up. We had to turn some stuff in. We
21 didn't steal everything we put hands on, we had to
22 put something up.

23 I think there was a rumor, and
24 they used to joke about it and say oh, you're the

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1 could have had a bigger squad but it was all
2 like -- when people would come into our squad
3 Tommy always had something to say. They ain't
4 coming. They ain't coming to the squad. That's
5 why the squad stayed small.

6 Q. Jeff, did you ever have anybody in the
7 squad that wasn't participating in these thefts?

8 A. Somebody in the squad that wasn't
9 participating in what we were doing?

10 Q. Correct. I mean, do you recall any
11 specific examples.

12 A. I can go all the way back to Chester
13 McCloskey. The only person I'd say wasn't
14 stealing something was Myra Hawkins. She wasn't
15 stealing nothing. We dogged her out because she
16 was the only female in the squad. She was going
17 to school, and her biggest thing was to get some
18 slide time and leave early so she can go take her
19 real estate classes, and we gave her a hard time
20 even doing that.

21 Q. How long did she last in the squad?

22 A. She was from the beginning, though.
23 She left somewhere at the beginning. She was --
24 she was there for a little bit but I don't know --

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1 guys that gets the most drugs and less money. We
2 got more drugs than anybody in the building. We
3 got less money than anybody in the building. It
4 was a joke. I mean, it was a joke about
5 everything we were doing, but we knew we had to
6 turn some money in.

7 Q. So am I correct -- and I don't want to
8 sound stupid but maybe that's a foregone
9 conclusion, but -- so when you went in without
10 warrants, you could steal pretty much anything and
11 everything, whereas when you went in with warrants
12 you would have to report something?

13 A. The reason we go in without warrants
14 because we the first ones to steal something.
15 Sometimes the supervisor don't want to know
16 everything we're doing regardless of if he knows
17 what we're doing.

18 Sergeant McCloskey, Joe -- is
19 that right -- Joe McCloskey, I had no full
20 knowledge of his stealing anything. The only
21 thing I had knowledge of when Tommy said -- we did
22 a house, that he stole something and he went and
23 told everybody that he stole something. He never
24 confronted Tommy on that, so that was up in the

50 (Pages 197 to 200)

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<p>1 air.</p> <p>2 But I knew at times we wanted</p> <p>3 to be there before the supervisor was there</p> <p>4 because if we were stealing something -- we were</p> <p>5 stealing lots of money, and you couldn't put this</p> <p>6 money in your pocket, so you want to get there and</p> <p>7 get it out of there before you -- the supervisor</p> <p>8 got in there to do some searching with you</p> <p>9 regardless if he gave you the green light to run</p> <p>10 in these houses or not. You know what I mean?</p> <p>11 I don't think they were playing</p> <p>12 with them too much as far as them knowing he was</p> <p>13 stealing. That's the only sergeant I know that I</p> <p>14 don't know for a fact that he knew we were</p> <p>15 stealing. That was Joe McCloskey. But I know for</p> <p>16 a fact he was allowing us to do the behavior that</p> <p>17 he was allowing us to do.</p> <p>18 Q. So are you saying he turned a blind</p> <p>19 eye?</p> <p>20 A. A blind eye. Oh, God, he's a dog. He</p> <p>21 didn't care about nothing unless it was -- all</p> <p>22 depends on who it was. If it was me -- put it</p> <p>23 this way.</p> <p>24 If it was me, if I ran into</p>	<p>1 mean, was there any incidents where you stole</p> <p>2 clothes or jewelry or --</p> <p>3 A. Oh, we stole clothes, jewelry. Brian</p> <p>4 used to wear people clothes in their houses.</p> <p>5 Tommy -- they just -- we were just stealing</p> <p>6 everything. I mean, it didn't matter. I mean,</p> <p>7 whatever it was, it was stolen.</p> <p>8 Jerseys, it was times where one</p> <p>9 guy, we just -- he had a bunch of throwback</p> <p>10 jerseys, they came up missing. It was just a</p> <p>11 mess. It was just stealing.</p> <p>12 Q. Jeff, did you ever participate in</p> <p>13 proceedings where -- forfeiture proceedings, where</p> <p>14 they're attempting to seize houses or cars or --</p> <p>15 A. I mean, I attended forfeiture</p> <p>16 hearings. That's based on we know is activity</p> <p>17 done at the houses, but even if the person did win</p> <p>18 their case on accusation of them selling drugs you</p> <p>19 still had a forfeiture hearing, and somehow they</p> <p>20 just use our testimony to -- to proceed with the</p> <p>21 forfeiture hearing.</p> <p>22 But I don't know if anyone</p> <p>23 actually had the house taken under something I</p> <p>24 testified or they testified and they took it.</p>
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<p>1 somebody house and he knew, he'd ream me out. I</p> <p>2 mean, he -- really. Even if I knew it was exigent</p> <p>3 circumstances and I had backup with me and had</p> <p>4 reason to be in there and he was nowhere to be</p> <p>5 around he still reamed me out. What are you doing</p> <p>6 running in these houses by yourself or whoever</p> <p>7 you're running with? And I'm just looking at him</p> <p>8 like we do this all the damn time, and why are you</p> <p>9 targeting me?</p> <p>10 But I knew it was something</p> <p>11 more to what it is and I just left it alone. It's</p> <p>12 nothing I could complain about. It's like I'm</p> <p>13 doing things that they're doing. I can't point a</p> <p>14 finger on what they're doing and I'm doing the</p> <p>15 exact same thing. So I just sucked it up and just</p> <p>16 kept it moving.</p> <p>17 I was getting money. If I was</p> <p>18 lucky enough to be with these dudes that made the</p> <p>19 squad I was with I got money. If I wasn't, okay,</p> <p>20 I made out lucky by myself and I did something I</p> <p>21 stole all myself and I got money that way, too,</p> <p>22 but I know it was easier with them to get money,</p> <p>23 and them is the squad I was with.</p> <p>24 Q. Jeff, did you just steal money? I</p>	<p>1 Q. Did you ever fabricate testimony with</p> <p>2 regard to those proceedings?</p> <p>3 A. Well, we fabricated a warrant and it</p> <p>4 goes into forfeiture, so that would be yes to the</p> <p>5 question.</p> <p>6 Q. So do you know people's houses were</p> <p>7 seized based on fabricated testimony?</p> <p>8 A. I can't tell you whose house was being</p> <p>9 seized because I wasn't -- I mean, I don't</p> <p>10 remember being a witness to that, but I can tell</p> <p>11 you if we did -- if I did with them or amongst</p> <p>12 myself fabricate a warrant and got probable cause</p> <p>13 and somehow they're getting -- they're getting</p> <p>14 their house seized and I testified at a forfeiture</p> <p>15 hearing, I don't remember if they got their house</p> <p>16 seized or not.</p> <p>17 Q. Okay. Now, I just want to -- because</p> <p>18 I know we've all agreed to only go to 4:00 but I</p> <p>19 just wanted to -- we probably should have done it</p> <p>20 in the beginning -- go over some of your history</p> <p>21 as a police officer.</p> <p>22 First of all, generally, did</p> <p>23 you -- how was your history as a police officer?</p> <p>24 Were you ever disciplined?</p>

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1 A. Not so much.

2 Q. For what? And this is aside from,
3 obviously, your arrest.

4 A. I believe I was driving a car and I
5 had a wagon and my partner didn't get out and I
6 hit someone's car, or if a sergeant gave me an
7 order like -- and they gave me a reprimand, and
8 that's normally they type up something and say
9 sign this. A reprimand is you -- because you
10 didn't do what I tell you to do. And that's it as
11 far as discipline that I can remember.

12 Q. Okay. Were you ever disciplined for
13 stealing money?

14 A. No. I would be fired.

15 Q. Or fined?

16 A. No. I would be fired.

17 Q. How was your performance evaluations
18 generally as a police officer? And just keep it
19 limited to the time you were in the narcotics
20 squad.

21 A. I always had good ones. We were
22 getting -- we were highly decorated cops. I mean,
23 we were out there doing the job, and not to say
24 every job we did was bad. We did a lot of good

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1 double parked in the street. I blew the horn. He
2 didn't move. I blew the horn again. He didn't
3 move. He got out the passenger -- the driver's
4 side of the car and -- I'm sorry, he got out the
5 passenger side of the car and he said -- and he
6 met me. I didn't feel something right with him so
7 I met him out in front of the car.

8 Once he knew I was police he
9 kind of like backed down and he was like, well,
10 you not the driver anyway, where's the pass --
11 where's the driver at? And he was in there
12 pissing, he was urinating in a field, and he came
13 back and -- over and he got in the car.

14 He left. I thought it was over
15 with but it wasn't. I pulled past him. I pulled
16 down two blocks and up two more blocks,
17 approximately four blocks away from where it
18 happened at. I'm on the phone. The next thing
19 you know I'm being fired at multiple times. He
20 shoots out the driver's window, hits the door
21 several times, hits the front of the car.

22 I found out later he was firing
23 on me -- as he got out the car and got to the
24 front of the car he was still shooting at me. We

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1 jobs and we did them right, but we were stealing,
2 and when the accusation was made against us we
3 stood on them good jobs, and that's just the way
4 it was.

5 I mean, we were stealing, but
6 we did a lot of good out there, too, a lot of
7 good but it doesn't take --

8 Q. Jeff -- oh, I'm sorry.

9 A. -- but it doesn't take it of what we
10 were doing -- it doesn't take it from the fact of
11 what we were doing was wrong.

12 Q. Jeff, in fact, you were -- you were
13 shot at a couple times, weren't you?

14 A. At least three.

15 Q. Why don't you tell us what happened
16 there. And this was while you were acting in the
17 capacity as a police officer, right?

18 A. The first time I was shot at I was by
19 myself. I was working with Chester Malkowski. I
20 was going out by myself doing surveillances,
21 trying to get some drug activity, locations. He
22 gave me a complaint form, go out there and look
23 for some jobs. I said okay.

24 I encountered a guy that was

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1 ended up catching him a week later with the squad.
2 We caught him, roughed him up. He got hit by a
3 car. He paid for what he did to me. He was
4 arrested.

5 The second shooting was when
6 the sergeant was shot. It was 66th and Hubert.
7 There was a buy made by Police Officer Billips.
8 He did a buy and came back with drugs. We went
9 down. It was me, Tommy in the car and the
10 supervisor. I keep forgetting what his name was.
11 He got shot between the legs.

12 I actually got out the car
13 before they pulled up on him and lo and behold I
14 seen them shoot the sergeant and get into a gun
15 battle. The guy ended up dying. Another guy came
16 out with a gun. He was arrested, shot over --
17 hundreds of times. There was so many shell
18 casings out there it was -- it was -- it didn't
19 make no sense.

20 The last shooting I got in with
21 Norman where it was Tommy Liciardello's job using
22 a CI. The CI's name was -- I forget the CI's
23 name. It was orchestrated that he was going to
24 get some drugs but he didn't have no money and the

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1 guy was supposed to bring drugs to a location.
2 This is defendants. Two guys pulled -- two guys
3 walk up to where me and Norman was going to do the
4 takedown.

5 As the guys walked towards us,
6 I was starting to grab one guy and Norman said
7 something isn't right. He had this thing about
8 him that something didn't look right. He -- don't
9 do it. He tried to pull me back, and when he
10 pulled me back the guy lifted his arm and he fired
11 a shot almost hitting me.

12 Norman tackles the guy and the
13 guy's still trying to fire the gun. We're
14 fighting the guy to get the gun from him. We take
15 the gun from the guy and again, rightfully he paid
16 for it. Basically I told him you got -- you have
17 a right to defend yourself at this point and we
18 basically beat the guy to a pulp, handcuffed the
19 guy, and that job was over with.

20 So what I'm saying, a lot of
21 these things -- we've been together for a long
22 time. We've been through the thick of things with
23 each other. This is the worst that it really had
24 gotten, but we've been through some issues and we

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1 too many people started doing it and they started
2 focusing on people hanging out in court. That
3 stopped.

4 But the overtime, our squad had
5 the most. Six or seven of us in the squad
6 compared to 12 people. Other squads used to get
7 mad at us because we made the most money. We made
8 a lot of money in our squad as far as the
9 overtime-wise.

10 Q. If you had to guess at how much a year
11 you made in overtime, just in overtime.

12 A. I can remember this, looking at the
13 overtime sheet that comes out I think in the
14 Fortune 500, something like -- some crazy list
15 they come out with with the overtime.

16 John Speiser was the highest
17 paid cop in the whole entire city besides
18 homicide, the highest paid cop. When we was in
19 the field we got paid more than the bosses, the
20 boss of all the captains and stuff like that. The
21 only people that got paid more than us is homicide
22 detectives, you know.

23 Q. If you could -- over 100,000 in
24 overtime a year?

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1 made it through them. So it's impossible for me
2 to do all this by myself and not let these guys
3 who have been shoulder to shoulder with me not
4 know what I was doing.

5 We were all stealing. We all
6 knew what each other was doing. We all knew each
7 other's families. And we made money. We got the
8 same overtime. We hung out together on duty, off
9 duty. We drank together on duty, off duty. We
10 did everything together. You know what I mean?
11 So everyone knew what everybody was doing, you
12 know.

13 Q. Jeff, I'm going to ask you about --
14 and I have about 15 more minutes -- about
15 overtime. Tell us how that works.

16 A. That was beautiful. Besides the
17 stealing, stole overtime and court time. The
18 supervisors got off of work at 12:00, he paid
19 until 6:00 in the morning.

20 It was good. Court time, you
21 hung out in court, got paid. Everyone wanted to
22 come to the Field Unit because they knew it was a
23 money -- it was the money train. The court time,
24 kind of pulled back off of that because they --

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1 A. No. You're talking about the most --
2 no one made two hundred something thousand dollars
3 on their taxed. We were making like 134.
4 Somewhere close to, you know, in the 30 range,
5 mid-30 range we were making. I made 119.

6 We had the highest paid squad.
7 I mean, you talking about the guys in the Field
8 Unit were making -- happily were making 80, 90,000
9 a year and we was making 134, 120 -- at the
10 highest some people were making 134 when I was in
11 there. You know, we wasn't even working for that
12 overtime. You know what I mean? When you
13 got a -- per pay period you got a -- your
14 supervisor's throwing you extra hours here and
15 there that builds up. So it was -- it was great.
16 It was good.

17 MR. PILEGGI: I would prefer
18 breaking now but if anybody --

19 ---
20 (Whereupon, a discussion was
21 held off the record.)

22 ---
23 (Whereupon, at 3:50 p.m., the
24 deposition was adjourned.)

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1 CERTIFICATE

2
3 COMMONWEALTH OF PENNSYLVANIA :
4 : SS
5 COUNTY OF PHILADELPHIA :

6
7
8 I, ROBIN FRATTALI, Registered
9 Professional Reporter - Notary Public, within and
10 for the Commonwealth of Pennsylvania, do hereby
11 certify that the proceedings, evidence, and
12 objections noted are contained fully and
13 accurately in the notes taken by me of the
14 preceding deposition, and that this copy is a
15 correct transcript of the same.

16
17
18
19
20
21 ROBIN FRATTALI
22 Registered Professional
23 Reporter - Notary Public
24

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1 ERRATA SHEET

2 Attach to Deposition of: Jeffrey Walker
3 Taken on: September 15, 2016
4 In the matter of: McIntyre vs. Liciardello,
Torain vs. City

5 PAGE LINE NO. CHANGE REASON
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1 INSTRUCTIONS TO THE WITNESS

2 Read your deposition over carefully
3 It is your right to read your deposition and make
4 changes in form or substance. You should assign a
5 reason in the appropriate column on the errata
6 sheet for any change made.

7 After making any changes in form or
8 substance which have been noted on the following
9 errata sheet along with the reason for any change,
10 sign your name on the errata sheet and date it.

11 Then sign your deposition at the
12 end of your testimony in the space provided. You
13 are signing it subject to the changes you have
14 made in the errata sheet, which will be attached
15 to the deposition before filing. You must sign it
16 in front of a witness. Have the witness sign in
17 the space provided. The witness need not be a
18 notary public. Any competent adult may witness
19 your signature.

20 Return the original errata sheet to
21 Summit Court Reporting promptly. Court rules require
22 filing within 30 days after you receive the
23 deposition. Summit will distribute copies of your
24 changes, if any, to all counsel in the case.

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1 SIGNATURE PAGE

2 ---
3
4
5

6 I hereby acknowledge that I have
7 read the foregoing transcript, dated September
8 15, 2016, and the same is a true and correct
9 transcription of the answers given by me to the
10 questions propounded, except for the changes, if
11 any, noted on the Errata Sheet.

12 ---
13
14
15
16
17

18 SIGNATURE: _____
19 Jeffrey Walker

20 DATE: _____

21 WITNESSED BY: _____
22
23
24

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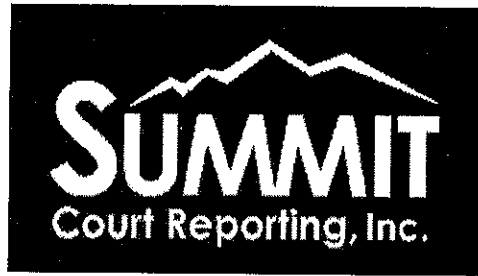
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Compressed Transcript of the Testimony of
JEFFREY WALKER- CONTINUED, 9/16/16

Case: McIntyre v. Liciardello, et al./Torain v. The City of Phila., et al.

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES MCINTYRE, : CIVIL ACTION
Plaintiff, :
VS. : LEAD DOCKET
POLICE OFFICER :
LICIARDELLO, et al., :
Defendants. : NO. 13-2773

KAREEM TORAIN, : CIVIL ACTION
Plaintiff, :
VS. :
THE CITY OF :
PHILADELPHIA, :
PHILADELPHIA POLICE :
OFFICER WALKER, BADGE :
3730; PHILADELPHIA :
POLICE OFFICER :
REYNOLDS, BADGE # 4268; :
PHILADELPHIA POLICE :
OFFICER MONAGHAN, :
BADGE # 6061, :
individually and in :
their capacity as :
police officer, :
Defendants. : NO. 14-1643

ORAL DEPOSITION OF JEFFREY WALKER
SEPTEMBER 16, 2016

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1 ---
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3 Continued oral deposition of JEFFREY
4 WALKER, taken at the James Byrne Courthouse, 601
5 Market Street, Courtroom 6B, Philadelphia,
6 Pennsylvania, on Friday, September 16, 2016,
7 beginning at approximately 10:20 a.m., before
8 Robin Frattali, Registered Professional Reporter
9 and Notary Public in and of the Commonwealth of
10 Pennsylvania.
11
12 ---
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1 (By agreement of counsel, the
 2 sealing, certification and filing are
 3 waived; and all objections, except as to
 4 the form of the question, are reserved
 5 until the time of trial.)
 6 ---
 7 JEFFREY WALKER, having been
 8 first duly sworn to tell the truth, was
 9 examined and testified as follows:
 10 ---
 11 EXAMINATION
 12 ---
 13 BY MR. PILEGGI:
 14 Q. Jeff, this is day two of your
 15 deposition. I gave you instructions at the
 16 beginning of the deposition, and of course they
 17 still apply.
 18 Jeff, before we begin, is there
 19 anything you want to say on the record with
 20 regards to the previous day's deposition?
 21 A. Yes. I forgot to mention yesterday I
 22 am representing myself in these -- all these
 23 lawsuits, and being as though I'm representing
 24 myself I need to have documents, any and all

2 (Pages 221 to 224)

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1 documents from all parties, so I can review these
2 documents.
3 Q. Okay. All right. Jeff, let's --
4 today I want to focus on the claims against the
5 City, primarily the claims against the City.
6 Okay? First of all, I guess let's start
7 generally. You're aware that the Philadelphia
8 Police Department is governed by a set of policies
9 and procedures, correct?
10 A. Yes.
11 Q. Okay. And just how long have you been
12 a police officer?
13 A. Twenty-four years.
14 Q. Okay. Am I correct that you have to
15 undergo training annually, at least annually, with
16 respect to the policies and procedures?
17 A. Yes.
18 Q. How would that work?
19 A. You have training from the -- it's
20 actually located on Spring Garden Street, and it's
21 called in-service training. They basically train
22 you on updates, reminder courses. They go into
23 case law, go into the Crimes Code, and then we
24 touch on policies, the policies that have been

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1 changed, extensive policy, and you need to
2 actually take tests which you're actually graded
3 on pass or fail so you fully understand what
4 they're teaching you.
5 Q. And what are some of the curriculum
6 that they teach in these courses?
7 A. From what I can remember, it was car
8 stops, ped stops, search warrants, various things,
9 probable cause mainly. We go into ethics
10 training. We go into basic -- touch basically on
11 civil rights.
12 Q. Okay. Now, and am I correct that at
13 the very least each year you have to undergo MPO
14 training?
15 A. Yes.
16 Q. Do you know what MPO means?
17 A. Yes, it's in-service training which
18 you're actually graded. After every course the
19 instructor gets up there and he reviews any
20 updates and I guess, again, reminder of the
21 policies, and at the end of the course, that would
22 be the course for the day, and then you get -- you
23 get a test which you're actually graded on pass or
24 fail.

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1 Q. Now, is that limited to certain police
2 officers or is that --
3 A. The whole department.
4 Q. Okay. All right. Now, you don't get
5 graded in the same PO training, correct?
6 A. It's a pass or fail. If you take a
7 test they instruct -- they give you instructions,
8 they teach you, and if you fail you have to take
9 the course over again.
10 Q. Okay. What is the purpose of the
11 policies and procedures?
12 A. To safeguard the police officer and
13 the persons actually that are conducting the
14 policy on us, mainly your arrests. Basically if
15 something happens everything go back to the
16 policy. You need a ground base where the policy
17 begins at so one knows the rules what actually was
18 going on.
19 Q. Now, who ultimately enforces the
20 policies?
21 A. It goes from the top, the Police
22 Commissioner. He reviews everything. It stops on
23 him.
24 Q. Over the course of the years since

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1 you've been a police officer, have the policies
2 and procedures changed?
3 A. Some of them change and we get updates
4 where we -- every officer has to sign and come
5 down and the supervisor hands you a signature
6 board with the policy, the change in the policy,
7 and you actually sign for it and he gives you a
8 copy of the policy and he tells you review the
9 policy.
10 But a lot of times you don't
11 review the policy. We take it and toss it to the
12 side and keep it going.
13 Q. Now, generally if a police officer
14 violates the policies and procedures, what are the
15 ramifications, if any?
16 A. He's disciplined by --
17 MR. BRIGANDI: I just have an
18 ongoing objection to this line of
19 questioning based on lack of foundation. I
20 mean, he's not the 30(b)(6), but to the
21 extent that he knows the answers to these
22 questions he can certainly answer them. I
23 just think there's a lack of foundation, but
24 he can answer what he knows.

3 (Pages 225 to 228)

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1 MR. PILEGGI: All right.

2 BY MR. PILEGGI:

3 Q. You can answer.

4 A. Repeat the question.

5 Q. That's a good one.

6 MS. FUREY: Have the court
7 reporter read it back.

8 THE WITNESS: He's disciplined,
9 and that's the supervisor's responsibility.

10 BY MR. PILEGGI:

11 Q. Well, what do you mean? Let's --
12 again I'm going to give you a hypothetical. Let's
13 assume an officer's out on the street and he
14 violates the search warrant policy, the policy
15 that embodies search warrants.

16 A. He's written up by the supervisor, it
17 goes up the chain of command, and whatever
18 disciplinary is due to him. In fact, it would --
19 according to policy, sometimes it could be a
20 reprimand and sometimes it go as far as charges.
21 It all depends on what the -- what the violation
22 was.

23 Q. You said charges. What do you mean?

24 A. It can go up to criminal charges. I

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1 disciplined, and if you know, when an officer
2 is -- when an officer is going to be disciplined,
3 who actually decides, number one, whether they
4 will be disciplined and what the recommended
5 disciplinary action is going to be?

6 A. I believe it all ends with the Police
7 Commissioner. It starts with the supervisor
8 during the complaint and it ends with the Police
9 Commissioner.

10 Q. So are you saying that if there's a
11 complaint against a police officer, the supervisor
12 initiates it, it goes up the chain of command to
13 the Police Commissioner?

14 A. Yeah. It all depends on where the
15 complaint comes from. Sometimes it can be a
16 civilian. The complaint starts somewhere. The
17 supervisor takes -- it's -- if it's from a
18 civilian, the police officer -- if someone files a
19 complaint -- if it's a civilian and he files a
20 complaint through Internal Affairs or whatever, it
21 goes to the -- it goes through the chain of
22 command through Internal Affairs. Especially if
23 it's a person it goes through Internal Affairs.

24 If it's a situation where they

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1 mean, it can go to the point where Internal
2 Affairs does an investigation and if any criminal
3 charge is found on you, you can get charged, and
4 to the point it's something small you can get
5 disciplined through a reprimand, through a loss of
6 days. You can go to the point and get 30 days --
7 there's something you can do -- get 30 days with
8 intent to dismiss or get fired.

9 Q. What is the PBI?

10 A. I don't know in detail. I know it's a
11 review board that actually reviews all the
12 complaints of the officers, and they basically
13 give their opinion of the fact if he's guilty or
14 not guilty, but it -- more thing in detail, I
15 don't -- I'm -- again, I'm losing touch with --
16 being out of the department so long.

17 Q. Is the PBI a separate department --
18 that's Police Board of Inquiry, correct?

19 A. Yes, I know.

20 Q. Is that separate and distinct from the
21 Internal Affairs?

22 A. It's a separate entity but it's --
23 work in conjunction with Internal Affairs.

24 Q. When an officer's going to be

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1 go to the immediate supervisor, like we may be
2 doing a warrant or maybe a patrol cop will
3 actually -- gets into a situation and the person
4 comes into the district. The supervisor takes the
5 complaint. He gives them -- he gives them a form,
6 he takes the complaint and eventually the
7 paperwork -- everything goes up, and when it goes
8 up then it involves Internal Affairs. They do
9 their investigation.

10 It depends on the
11 investigation. At the conclusion of the
12 investigation, it goes from a person being
13 reprimanded, it can be 30 days dismissal or he can
14 be charged.

15 Q. Now, and when you say "charged," you
16 mean criminally charged or charged through the
17 Police Board of Inquiry?

18 A. He can be -- when I'm talking about
19 charged, he could be criminally charged if they
20 found that he done something that was criminal.

21 Q. Okay. And was that the process that
22 was followed when you were arrested?

23 A. When I was arrested I was arrested by
24 the FBI, so I bypassed all that. I was

4 (Pages 229 to 232)

<p style="text-align: right;">Page 233</p> <p>1 immediately charged from the government and I 2 believe from the state with the police department, 3 but the government actually took the charges over. 4 Q. Okay. All right. Now, let's just 5 generally talk about some policies and procedures. 6 Let's start with -- well, first of all -- strike 7 that. 8 Jeff, do you recall a case that 9 I brought years ago, close to 2000, maybe 2002, 10 where an individual was beat up by you and other 11 squad members, Officer Liciardello and Officer 12 Reynolds? 13 A. Yes. 14 Q. Alfonzo Edwards? Do you recall that 15 case? 16 A. Yes. 17 Q. All right. Why don't you tell us what 18 happened in that case, and then I want to ask you 19 some questions about Internal Affairs and other 20 supervisors. 21 MR. WILLIAMS: Mike, I'm sorry, 22 in the lawsuit? When you say in the case, 23 you mean the lawsuit or just the events? 24 MR. PILEGGI: No, with regards</p>	<p style="text-align: right;">Page 235</p> <p>1 past him. I opened up -- because I was in 2 the back on the right side of the rear 3 passenger seat. When I opened up the door 4 to approach him he took off in the car and 5 he damaged the door. He pushed the door 6 forward, where the door was -- he basically 7 smashed into the door when he took off in 8 his vehicle. He pulled past us. 9 And Police Officer Liciardello 10 was driving. Thomas Liciardello was 11 driving. We got into a brief pursuit, where 12 Police Officer Liciardello was ramming him 13 from the back in his unmarked police car, 14 caused him to crash into a pole. When he 15 crashed into the pole he got out and started 16 running. 17 Myself, Police Officer 18 Reynolds, Police Officer Thomas Liciardello 19 proceeded to chase him. We caught him 20 within a block. It was basically 41st and 21 Mantua. We proceeded to beat him. 22 Liciardello was kicking him when he was 23 injured. His foot was injured. He beat him 24 so bad that we had to actually drag him out</p>
<p style="text-align: right;">Page 234</p> <p>1 to the job. 2 THE WITNESS: This job was a 3 street job. We call it jump-out jobs. 4 Where an officer sees something, arises 5 suspicion on something as far as your drug 6 activity or any type of activity he 7 immediately takes action. A lot of these 8 jobs we were doing, even when we find a 9 conclusion of something had something or we 10 were locking them up, a lot of articulation, 11 again lying, comes into play, building that 12 bridge getting to probable cause. 13 This was a situation where it 14 was myself, Police Officer Liciardello and 15 Brian Reynolds were in an unmarked police 16 vehicle. We were in the -- it may have been 17 the 41 or the 4000 block of Reno Street 18 going west when we observed the defendant 19 mentioned at the time, this complainant 20 mentioned, seated in the driver's side of 21 the vehicle, and we took notice that he was 22 doing something worthy for us to stop him on 23 a reasonable suspicion. 24 I opened the -- we pulled just</p>	<p style="text-align: right;">Page 236</p> <p>1 of the street because the car -- because you 2 know on 41st Street going south it's a hill, 3 it's a bridge there, and once you go -- you 4 can't look down from the other side of that 5 bridge. 6 So when I actually dragged him 7 out of the street a car -- soon after I 8 dragged him a car was coming down in the 9 street, and from that point he was -- 10 received medical treatment, and I believe he 11 was arrested, but the disposition of the 12 case, I couldn't recall exactly what it was. 13 I remember being investigated from that. 14 Again, we all got together and 15 come up with a story of his injuries. A lot 16 of his injuries we say came from the car 17 accident that he hit the pole, because he 18 did crash into an electrical pole that was 19 on the east side of the street. 20 BY MR. PILEGGI: 21 Q. How bad was he beaten? 22 A. Oh, he was pretty bad. 23 Q. And were you aware that he was in the 24 hospital for about a week?</p>

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<p>1 A. Yes, I was aware.</p> <p>2 I was also aware we had an</p> <p>3 Internal Affairs investigation. Again, a lot of</p> <p>4 the injuries that he -- occurred to him we blamed</p> <p>5 on the accident because he smashed a pole, but how</p> <p>6 he hit the pole was Liciardello was hitting him</p> <p>7 from the back of his vehicle and he basically</p> <p>8 forced him to lose control of the vehicle and he</p> <p>9 hit the pole. Then once he hit the pole he got</p> <p>10 out and he started running.</p> <p>11 Q. Now, you had an -- Internal Affairs</p> <p>12 had an investigation with regard to that case,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. And am I correct that when you -- when</p> <p>16 there's any force used, whether there's a</p> <p>17 complaint or not, and someone requires medical</p> <p>18 treatment you're required to notify Internal</p> <p>19 Affairs, correct?</p> <p>20 A. Yes. This all just start with the</p> <p>21 initial officer notifying the immediate</p> <p>22 supervisor. You have to do a use of force form.</p> <p>23 It's actually done by the initial officer. A lot</p> <p>24 of times Lieutenant Otto was doing ours because we</p>	<p>1 who was handling the job basically explained the</p> <p>2 whole entire job to me on the phone, and it got</p> <p>3 better than that. When it went to Lieutenant Otto</p> <p>4 he sat us down and we basically talked about the</p> <p>5 situation and who was going to say what and who</p> <p>6 was going to go up first, and we made sure we</p> <p>7 brought back those interview paperwork and we all</p> <p>8 passed them around. Even the supervisor looked at</p> <p>9 them and says okay.</p> <p>10 So by time it went to the</p> <p>11 target he was prepared when he went up there to</p> <p>12 any questions that was asked to him in the</p> <p>13 situation. But it started to change on Impact,</p> <p>14 where that's more, again, of an extensive</p> <p>15 investigation of Internal Affairs. It work</p> <p>16 outside of Internal Affairs when we could not</p> <p>17 bring that paperwork back but we still had a way</p> <p>18 around that.</p> <p>19 The person had to remember</p> <p>20 everything he said and come back and refer -- let</p> <p>21 the target know who was the target. Sometimes we</p> <p>22 didn't know who the target was but as we were</p> <p>23 talking to them some of the investigators told us</p> <p>24 who the target was. Some investigators didn't,</p>
Page 238	Page 240
<p>1 got in so many different situations, the ways you</p> <p>2 would have to articulate and explain the stuff</p> <p>3 that we was doing -- because it was so out there,</p> <p>4 I mean out there. It was -- you really had to put</p> <p>5 some talent to what you were writing for what we</p> <p>6 were doing.</p> <p>7 And once it's prepared, use of</p> <p>8 force is prepared, it's actually sent to the --</p> <p>9 actually, we did them paper, now you can actually</p> <p>10 do them on the computer, but again, eventually it</p> <p>11 end up going to Internal Affairs and they review</p> <p>12 them. Any questions they might send them back.</p> <p>13 Supervisor may have to redo them again and they</p> <p>14 send them back, and then at that point you get an</p> <p>15 interview from Internal Affairs if they're doing</p> <p>16 their investigation.</p> <p>17 Q. Do you recall in that case whether</p> <p>18 Internal Affairs tipped you off? That you had</p> <p>19 testified yesterday that there was times that</p> <p>20 Internal Affairs would inform you as to why you</p> <p>21 were being brought in to be interviewed.</p> <p>22 A. I don't -- I don't recall on that</p> <p>23 particular case, but a lot of other cases I've</p> <p>24 called there plenty of times and the investigator</p>	<p>1 they just basically explained the job.</p> <p>2 MR. CHRISTIE: Objection. Move</p> <p>3 to strike. It's not responsive to the</p> <p>4 question that was asked.</p> <p>5 BY MR. PILEGGI:</p> <p>6 Q. When you say "target," what are you</p> <p>7 referring to?</p> <p>8 A. The person who the initial complaint</p> <p>9 was. It starts with the person with the initial</p> <p>10 complaint and then you have the witnesses, the</p> <p>11 people around. The witnesses will go first, the</p> <p>12 target will go last. By the time it got to the</p> <p>13 target he already knew what was going on.</p> <p>14 Q. Now, Jeff, am I correct that you and</p> <p>15 the rest of -- well, Officer Liciardello and</p> <p>16 Officer Reynolds, at the very least, had many,</p> <p>17 many IAD investigations over the years, correct?</p> <p>18 A. Yes.</p> <p>19 Q. If you had to guess, how many IADs?</p> <p>20 A. It was a lot. It was -- we were</p> <p>21 frequent flyers. I mean, we knew just about</p> <p>22 everybody up there in the situation.</p> <p>23 Q. When you said "everybody up there,"</p> <p>24 what do you mean?</p>

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1 A. As far as the investigators,
2 supervisors. We just knew. We knew who they
3 were.

4 Q. Did -- oh, I'm sorry.

5 A. We spoke to them in just casual
6 conversation and we -- that was it.

7 Q. Did you feel like you were protected
8 when you went to IAD or during your investigation?

9 A. Very much. If I did feel like I
10 wasn't protected I made sure I had a lawyer with
11 me if I wasn't protected. All of us thought that.
12 You know, if it was a situation where it got kind
13 of close to what we were doing we made sure we had
14 a lawyer when we went up there. The majority of
15 times we didn't have a lawyer when we went up
16 there.

17 Q. Would the supervisors get the results
18 of any IAD investigation and then their
19 conclusions?

20 MR. SANTARONE: Objection. If
21 you can clarify "the supervisors."

22 MR. PILEGGI: All right, fair
23 enough.

24 BY MR. PILEGGI:

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1 Q. Would your sergeant -- if there was an
2 investigation against you say for in this case
3 where you beat the guy, did your sergeant at the
4 time -- and I guess it was Malkowski? Maybe not.
5 McCloskey.

6 A. I don't remember. That was so far.

7 Q. Right. Right.

8 A. I mean, it could have been McCloskey.

9 Q. Whatever.

10 Would your sergeant then get
11 the results of that investigation?

12 A. When, at the conclusion of the
13 investigation?

14 Q. Yes.

15 A. I don't believe so, but I don't know.
16 I'm not certain.

17 Q. What if there was charges brought?

18 A. Again, it wouldn't be charged. All
19 that stuff would be internal. Once Internal
20 Affairs has it, if any charges are brought against
21 you your supervisor's aware of it but he
22 doesn't -- I don't think he gets -- he don't get
23 no copy of that. It goes above his -- above him.
24 It goes into another department.

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1 Again, Internal Affairs, once
2 they have it and they're doing their thorough
3 investigation the only thing the supervisor might
4 know is the outcome. They might tell them, but I
5 don't know the procedure how they will tell him.

6 Q. Now, with regards to all the
7 investigations that IAD did against you and
8 Officer Liciardello and Officer Reynolds, were any
9 of them ever sustained?

10 A. Wait, can I go back to that last
11 question, something I remember?

12 Q. Yes.

13 A. Any outcome of the investigation from
14 the officer that's conducting the -- he does get
15 something from Internal Affairs letting him know
16 that either he was exonerated, sustained or
17 unsustained. So he is aware. So going back to
18 the last question, if the supervisor -- if the
19 officer knows, the supervisor knows. Something
20 does come down from Internal Affairs.

21 Q. Okay. Do you need me to ask you that
22 question again?

23 A. Yes, I do.

24 Q. Through all the investigations that

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1 were conducted against you, Officer Liciardello
2 and Officer Reynolds, were any of them ever
3 sustained?

4 A. The serious ones, no. The small ones,
5 yes. Like one we had where we entered a location
6 without probable cause to do an arrest warrant,
7 that was sustained but we was reprimanded with I
8 believe a letter and a copy of a directive. No
9 one lost any days in that situation.

10 Q. So there was no -- other than reading
11 the policy, there was no other disciplinary action
12 taken?

13 A. I don't believe it was, no.

14 Q. All right. Let's -- again, let's get
15 to the directives, but before I get to specific
16 directives, Jeff, and I'm going to -- maybe this
17 is your opinion, I don't know, or maybe you have
18 personal knowledge and whatever -- whichever the
19 case is I want you to state that.

20 Do you believe the --
21 Commissioner Ramsey knew about your actions,
22 Officer Liciardello's -- your squad's actions when
23 you were out on the street during this period of
24 time when you've testified yesterday all the

7 (Pages 241 to 244)

<p style="text-align: right;">Page 245</p> <p>1 stealing and robbing and fabrications?</p> <p>2 MR. BRIGANDI: Objection.</p> <p>3 Foundation.</p> <p>4 THE WITNESS: So you got to</p> <p>5 understand this.</p> <p>6 MS. FUREY: It's his opinion --</p> <p>7 maybe I should have asked this yesterday.</p> <p>8 Usually you waive objections, and I didn't</p> <p>9 hear the court reporter ask about that.</p> <p>10 MR. PILEGGI: Yes, she did.</p> <p>11 THE WITNESS: The usual</p> <p>12 stipulations --</p> <p>13 MS. FUREY: Usually the</p> <p>14 stipulations --</p> <p>15 MR. BRIGANDI: The form of the</p> <p>16 question.</p> <p>17 MS. FUREY: Yeah, the form of</p> <p>18 the question.</p> <p>19 MR. KRASNER: Unless we're</p> <p>20 getting an expert report from him.</p> <p>21 MS. FUREY: It's just his</p> <p>22 opinion.</p> <p>23 MR. BRIGANDI: The objection's</p> <p>24 noted for the record. Thank you.</p>	<p style="text-align: right;">Page 247</p> <p>1 It goes up all different levels.</p> <p>2 We be doing our dumb things</p> <p>3 with bosses, and they knew what we were doing and</p> <p>4 we were protected. That's why we were so arrogant</p> <p>5 about everything that we were doing, and when we</p> <p>6 got in trouble it was a joke. We laughed because</p> <p>7 we knew we were going to be protected in the end,</p> <p>8 and then the result, it's a joke. Everything's</p> <p>9 funny until you're not protected anymore. That's</p> <p>10 the seriousness of everything.</p> <p>11 When I was arrested I was so</p> <p>12 arrogant I believed that I didn't do anything</p> <p>13 wrong. You know what I mean? Even when the</p> <p>14 charges were brought against me I still didn't</p> <p>15 understand that I did something truly wrong and</p> <p>16 what I was doing was truly wrong until I sat for</p> <p>17 48 months and was reminded by the people who I</p> <p>18 arrested that was in there with me that I was</p> <p>19 doing something wrong every day.</p> <p>20 So that's to the point when you</p> <p>21 asked your question did the Commissioner know,</p> <p>22 it's a possible strong fact that he did not know.</p> <p>23 Because the corruption is so well protected and</p> <p>24 goes underground and is cultured, no one knows but</p>
<p style="text-align: right;">Page 246</p> <p>1 BY MR. PILEGGI:</p> <p>2 Q. Go ahead, Jeff, you can answer.</p> <p>3 A. This would -- this would be my</p> <p>4 opinion, because I'm involved in a lot of these</p> <p>5 things. When you're doing something wrong as a</p> <p>6 corrupt police officer you know other corrupt</p> <p>7 police officers. We all work together. We all</p> <p>8 may not know each other. We indirectly know each</p> <p>9 other. We protect each other.</p> <p>10 So whoever is outside the</p> <p>11 circle don't know, but there are people who do</p> <p>12 know that the power is so strong they're terrified</p> <p>13 to say anything what we're doing because they</p> <p>14 don't want no repercussions. I'm not saying death</p> <p>15 threats, I'm just saying issues, where unwanted</p> <p>16 attention, harassment. It could be anything,</p> <p>17 small.</p> <p>18 But then you have people like</p> <p>19 me involved in -- around a bunch of crooked police</p> <p>20 officers. So there are police officers on this</p> <p>21 job that has a clue what's actually going on, and</p> <p>22 if they do know they don't even know how to</p> <p>23 identify it, because the guy next to him may just</p> <p>24 be as crooked as the guy that he's dealing with.</p>	<p style="text-align: right;">Page 248</p> <p>1 the people that's involved.</p> <p>2 Q. Okay. Jeff, let's start with the</p> <p>3 search warrant policy. Are you familiar with</p> <p>4 that?</p> <p>5 I'm sorry, strike that.</p> <p>6 We're going to start with the</p> <p>7 CI policy, confidential informant. Are you</p> <p>8 familiar with -- generally with the confidential</p> <p>9 informant policies?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. How are you familiar with the</p> <p>12 policy?</p> <p>13 A. For using confidential informant</p> <p>14 hundreds of times.</p> <p>15 Q. Okay. Well, how do you know you</p> <p>16 weren't using a confidential informant improperly</p> <p>17 a hundred times?</p> <p>18 A. Because to do something wrong you got</p> <p>19 to know how to do it right.</p> <p>20 Q. Okay. Do you ever recall being --</p> <p>21 having a course on confidential informants or</p> <p>22 having some kind of instructions from supervisors</p> <p>23 with regards to that?</p> <p>24 A. We have some type of training courses</p>

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1 because, again, it come through the Narcotics
2 Field Unit, but I don't recall exactly what the
3 course was, but it's not -- when you come to the
4 field a lot of stuff is hands on. You're
5 instructed by other officers who have been using
6 the informant before you when you even got there.

7 So -- and then they -- you
8 know, you review, again, everything's with a
9 policy. Any question, pick up the directive and
10 look at it, ask the supervisor, and then he may,
11 you know, make sure you're doing things right, and
12 then it starts from that point. That's the right
13 way. When you using the confidential informant
14 any question, review the policy or ask the
15 supervisor or listen to the officer before you
16 that has experience using the confidential
17 informant.

18 Q. Now, and I believe you testified to
19 this yesterday, you've used hundreds of
20 confidential informants?

21 A. I wouldn't say hundreds, I've used --
22 I've -- I've used confidential informants hundreds
23 of times, and I can't count them, but I had to use
24 hundreds of confidential informants.

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1 Q. Okay. All right. Now, why don't you
2 take us through as detailed as you can from start
3 to finish say when you sign up a confidential
4 informant, how does that work and then what steps
5 have to be taken to do that.

6 A. Well, once you get someone who
7 actually wants to be a confidential informant
8 regardless it's from the source of information not
9 who wants to get paid, you actually fill out a
10 form, a confidential informant form. Once you
11 fill out a form getting their biographic
12 information, which you actually within that form
13 you have to do a 229.

14 Within that form you would have
15 instructions, and the instructions very clearly
16 you read to the confidential informant is you
17 cannot commit any criminal activity, cannot have
18 any, you know, open cases, we'll protect you, we
19 will try to protect as much as our ability,
20 nothing's guaranteed, and a few other more
21 instructions.

22 Q. All right. Let me stop you there.
23 I'm going to stop you along the way.

24 Have you had occasions where

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1 you either used a confidential informant yourself
2 or your squad members used and you participated in
3 a confidential informant activity where this
4 individual was engaging in criminal activity?

5 A. Yes. It went all the way through
6 several squads. Again, it was like taboo in the
7 Field Unit where people will feel comfortable
8 doing certain levels of things they should not do.
9 Like some people might start lying and they may
10 feel as though little, little lies here and there,
11 call them little white lies, only lied about
12 certain things but it really didn't happen.

13 And then you get into the
14 misusing of a confidential informant, where you
15 send a confidential informant to a location and
16 you don't keep eyes on a confidential informant
17 and you're relying on what the confidential
18 informant tells you when they come back. So
19 basically you're basing your probable cause on the
20 observation of the confidential informant.

21 And then it's times when we've
22 used a confidential informant multiple times and
23 they've run out of information. Because they know
24 they're getting paid for it, so they know they're

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1 getting paid \$20 a buy and that maybe not the only
2 job they got, or they may be still on drugs, and
3 you're basically fueling a habit of them being on
4 drugs. So you basically put them in a situation
5 where you're giving them money for the buys that
6 they do and it's supporting their drug habits.

7 And when the confidential
8 informant comes to you and says I got another
9 house over here, another house over here, and it
10 clearly shows information -- CI paid for
11 information, PI paid for services, a lot of my
12 vouchers said that. When they pay for information
13 it means they supplied information to me. A lot
14 of times that information came from continued
15 criminal activity that the confidential informant
16 has done.

17 So it shows when you look at
18 these vouchers they basically -- if you looking at
19 it the right way you can understand how many
20 times -- when you've used a confidential informant
21 when it says paid for information a lot of times
22 that confidential informant is committing criminal
23 activity to give you that information, and we know
24 that.

9 (Pages 249 to 252)

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1 See, everyone is benefiting
2 from this. The confidential informant is
3 benefiting from it, the officer -- the handling
4 officer is benefiting from it because when the
5 confidential informant is doing the buy, establish
6 the warrant, it's multiples. Now you have an
7 opportunity to steal, you have an opportunity to
8 go to court and make money.

9 It goes on and on. Opportunity
10 for overtime, investigations, large
11 investigations. Everyone's benefiting from this
12 situation using a confidential informant. A
13 confidential informant is money. The guy go out
14 and do a buy, it's continuous money in the
15 situation.

16 Q. Was there any way to police that
17 situation where the confidential informant was
18 engaging in criminal activity, in other words,
19 internally police it?

20 A. I mean, it could be questioned by the
21 immediate supervisor. Where is he getting the
22 information from, how long you been using this
23 informant, because, again, if you do quarterlies
24 he meets up with the confidential informant. The

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1 understand because that's the rules and regs -- of
2 the policy, so everyone understands what the rules
3 are.

4 Q. Now, Jeff, are you allowed -- as the
5 handler, the person that's handling this CI, are
6 you entitled to be the only officer when you send
7 a CI in for a controlled buy?

8 A. No. If it's my CI, I sign them up
9 working as a group, a squad I may have been in.
10 They're my squad. It's my CI and say my partner
11 wants to use it, Jeff, can I use your CI to do a
12 buy. Sure. He's signed up. He already has a
13 number. I am the control officer but you can use
14 him.

15 He still has to follow the
16 exact same policy and procedure as if I was using
17 the CI, always searching them with a supervisor
18 present, dealing with a CI everything exactly what
19 I do, and it's the exact same course that I would
20 do, he would do, he or she would do. Two officers
21 with the confidential informant, exact same rules.

22 Q. Jeff, over the years when you were in
23 the narcotics squad did you ever have an occasion
24 where a supervising officer was not there when

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1 immediate supervisor knows how long you had these
2 confidential informants.

3 So nothing's -- no question --
4 if a supervisor asked me a question about a
5 particular job where the information come from
6 because he seen the voucher, it come from the CI.
7 He never asked you -- and you're repeatedly doing
8 it over and over again the question never arises
9 do you think this guy is doing some type of
10 criminal activity. Never no -- they don't ask it,
11 it just keep moving.

12 Q. Is there -- well, first of all, is
13 that a violation of the policies and procedures to
14 let a CI engage in continued criminal activity?

15 A. It's a violation of the instructions
16 and it's a violation of the policy. The
17 instruction they get that they sign for is a
18 violation. They automatically know what they're
19 getting into by reading the instructions.

20 You're reading -- you're
21 verbally reading the instructions to them and
22 they're hearing it, what to do and what not to do,
23 and they sign it. We make it very clear they
24 understand it, and then the policy we all should

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1 this individual was allegedly searched?

2 A. Again, that's -- a lot of times. It
3 was like a format. I have met the CI in the
4 district and the supervisor be in the
5 headquarters, and I'm always doing my warrants,
6 the supervisor -- I met with the confidential
7 informant along with a supervisor. All that is
8 lies. It's a format. It's follow a format.

9 Because again, the gray area is
10 where the supervisor doesn't have to be over your
11 shoulder but it has to be close proximity if
12 you're with the CI at all times. But all that
13 stuff is a format. It been done multiple times,
14 done with different officers. It was a common
15 practice for the years I've been in Narcotics
16 Field Unit where the supervisor was never there.
17 It's like when we do buys and the supervisor is
18 inside, especially with my squad, Sergeant Joe
19 McCloskey, he was always in the office. The only
20 time he came out of the office is if something was
21 big out there or occasionally he might come out
22 there and we're use -- I'm using these CIs. With
23 Chet Malkowski, the exact same thing. If he been
24 out there he'll be out there with Brian or Tommy

10 (Pages 253 to 256)

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1 and I'll be using the CI by myself at times in a
2 different location.

3 One of the times I can recall
4 is when I was shot at the very first time. I was
5 sent out there by myself to investigate and
6 conduct investigations. Normally I would grab a
7 CI by myself, but before I even grabbed the CI I
8 was shot at in a situation by myself in the car,
9 and they all came out there because I was on the
10 street by myself when all the stuff was going on,
11 and that was never brought to anyone's attention,
12 why was I out there by myself when I was shot at.

13 Q. Jeff, did you ever -- over the years
14 when you were handling the CI, a particular CI,
15 did you -- was there ever an occasion where you
16 did not search them before sending them in to make
17 a buy?

18 A. It was -- it was a lot of occasions I
19 did not search the CI. If I did search a CI it
20 was basically empty your pockets out, put them --
21 whatever you got in the car, whatever the
22 situation was, and only thing I know I did was
23 give them money -- was supposed to give them money
24 to do the buy in situations, and even in that

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1 situation where I fabricated purchases they was
2 never given any money, it was they signed the
3 voucher.

4 And that was -- again, that was
5 done with me using CIs but also it was done --
6 mentioning to the Federal Government it was done
7 where I allegedly made a buy, which did I not, and
8 I said to sign a voucher saying I did make a buy,
9 and the witnesses was the Sergeant Joe McCloskey,
10 the Officers Liciardello, Mike Spicer, Brian
11 Reynolds, who actually filled out the voucher.

12 And I remember seeing a
13 conversation between Thomas Liciardello and the
14 Sergeant Joe McCloskey, and Tommy said very
15 clearly -- because me and Thomas Liciardello was
16 on the outs at the time. He said let Jeff do the
17 buy, get Jeff doing the buy, and the sergeant came
18 over to me and just handed me the voucher and said
19 you just did a buy.

20 So it's times that --

21 Q. Which sergeant was that?

22 A. Sergeant Joe McCloskey. It was -- and
23 this is a situation where it was a source of
24 information and it was actually the target, and

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1 neither one of them knew me until at least when I
2 went to trial and had to -- and I lied at trial,
3 where the defendant looked at me in puzzlement of
4 who I was and I was saying that I had bought drugs
5 from him in a situation.

6 I was nowhere in contact with
7 either one of them, the source or the person that
8 sold the drugs to the source, but I can -- I do
9 remember the source, which was actually a female
10 got out of one of their cars --

11 Q. When you say "their cars", who are
12 you --

13 A. Thomas Liciardello, Brian Reynolds,
14 one of their cars, one of their cars. I don't
15 know which one of their cars they got out because
16 it was in a gas station lot, and I clearly see the
17 female approach the target and buy drugs and went
18 back and get back into either Thomas Liciardello
19 or Brian Reynolds' car with those drugs. Again, I
20 never came in contact with any of these people.

21 You know, I still was willing
22 to do it because I wanted to be a team player, I
23 wanted to be back in, because, you know, we had a
24 lot of things going on in the squad in the

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1 situation, but, you know, I was trying to
2 alleviate the issues by cooperating and doing what
3 was needed for me to do, and the supervisor was
4 very aware of exactly what was going on because he
5 was there watching what was going on.

6 MR. POPPER: Who was the
7 supervisor?

8 THE WITNESS: Sergeant Joe
9 McCloskey.

10 BY MR. PILEGGI:

11 Q. Can -- as a male officer are you
12 permitted to search a female CI?

13 A. No, you're not, because a lot of times
14 I was using a female and I was saying I was
15 thoroughly searching the confidential informant,
16 but again, these questions was never brought up
17 even through -- if the defense attorney brought it
18 up we were not allowed to say or we played games
19 with them saying we can't -- a male or female, so
20 they would never know if it was a male or a
21 female.

22 We used that out of protection
23 of the identity of the informant. It was all --
24 it was all games. And again, if they knew it was

11 (Pages 257 to 260)

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1 a female a question was never brought up well, did
2 you have a female officer with you searching the
3 informant.

4 Q. Now, Jeff, explain -- you had
5 mentioned that you would pay these CIs. Explain
6 the voucher system. How does that work?

7 A. The voucher system is actually a
8 receipt of the payment that's made.

9 If I go out there with an
10 informant, the informant makes them -- give them
11 the money. You could record a \$20 bill or
12 whatever you're buying. The informant makes the
13 purchase. The informant comes back. The
14 informant is giving me drugs and I begin to fill
15 out the voucher once I receive the drugs.

16 Once I fill out the voucher, I
17 be handing the voucher to the informant and the
18 informant looks -- they don't want to look -- a
19 lot of them don't look it over, they just happy to
20 get the money, but I gave it to them, they're
21 supposed to look it over, and then they sign at
22 the bottom of the voucher.

23 The payment money is not given
24 to them until the end of the course of the day

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1 them up anymore but we were writing them after the
2 buy.

3 Q. How would you know -- if you typed
4 them up before you took it out to the site, how
5 would you know the circumstances? I mean, there's
6 information there as to where the buy is made,
7 when it's made.

8 A. We controlled all that, the situation,
9 whatever we chose to put on the vouchers at the
10 time.

11 When we were typing them up,
12 again, we were going against policy. Where we
13 wasn't filling them out the street, the CI would
14 basically sign a blank voucher, or it was a
15 voucher already previously signed by the CI and we
16 took that voucher in and we typed it up, whatever
17 the situation we felt -- what the buy was.

18 Sometimes it happened the way
19 it happened, sometimes it didn't, but you couldn't
20 tell what was what because we were breaking the
21 policy. We were going in and we were typing them
22 up.

23 Q. Now, Jeff, a lot of the search
24 warrants in particular there's either a source

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1 when you release them. That's how it's supposed
2 to be done.

3 Q. Okay. Now, let me ask you, you say
4 you actually take the voucher out to the -- out to
5 the site, wherever -- wherever you're going to
6 make the buy?

7 A. Yes.

8 Q. Okay. Is that voucher already
9 drafted?

10 A. No, it's always a blank voucher. I
11 know at one time what I was doing, and I witnessed
12 other officers do it, where we were actually
13 giving a stack of vouchers to the CI and had the
14 CI sign a number of vouchers that were blank so if
15 the CI did a buy and we forgot to fill the voucher
16 out we knew we had the signature -- we had the
17 CI's signature.

18 And we were actually go in --
19 like the case where these vouchers were typed up,
20 they're already signed by the CI and the CI makes
21 the buy, or whatever we choose to do, we knew we
22 had a voucher with the CI's signature on it and at
23 that time at the beginning of it we were typing
24 them up, but we were told no more -- not to type

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1 involved a confidential source or a confidential
2 informant, correct? Is that usually how the job
3 usually starts?

4 A. Yes. It starts -- again, it starts
5 various ways. It starts from a source of
6 information, either confidential or not, and then
7 goes from -- with an informant. You could use a
8 source, confidential or not, and gather
9 information, go out and check it out and, once you
10 know it's good you can use a confidential
11 informant.

12 Q. And then that's -- that information is
13 embodied in the affidavit of probable cause,
14 correct?

15 A. Yes.

16 Q. Okay. Are you aware -- and again,
17 this is dating all the way back since you got into
18 narcotics, are you aware of any incidents where
19 there was a nonexistent source, confidential
20 source or a non-confidential source or informant,
21 confidential informant, was that put in the
22 affidavit of probable cause that actually did not
23 exist?

24 A. Yes. I remember this from Thomas

12 (Pages 261 to 264)

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1 Liciardello. He always -- if you look at his
2 paperwork and he always says a reliable
3 confidential source, and when he's questioned he's
4 put into a corner, he's forced to reveal who it
5 is, it's a cop. The two don't match up. How can
6 a confidential source be a uniformed police
7 officer? He could have easily said I received the
8 information from so and so or the police
9 department.

10 A lot of times I worked with
11 Thomas Liciardello, Brian Reynolds, Michael
12 Spicer, who was the main officers doing a lot of
13 these jobs. They will use these source -- they
14 will use these confidential sources, which they
15 say they have to protect. They either be a person
16 who they arrested prior to the person they're
17 getting ready to arrest, and when they're
18 questioned they're saying they're police
19 officers -- mainly police officers or someone they
20 just can't reveal, but a lot of times it's just
21 people who they arrested already who was giving up
22 their buddies, and they're given multiple jobs and
23 they're told -- they tell these people that
24 they're using that they're giving them a green

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1 Q. Okay. Was there situations where they
2 would work with one drug dealer to get at a
3 competitor?

4 A. All the time.

5 Q. How would that work?

6 A. It was known. Anyone there -- that we
7 were known for it. Even if we lock a guy up no
8 matter who it is -- a lot of times it was in South
9 Philly. We'll ride along, we see the guy out
10 there, we might grab him, drive him around in the
11 car, interrogate him.

12 Once we get them on board
13 Thomas Liciardello -- they become our friends now.
14 It's like a -- go from one motion to another. You
15 went from being -- beating the guy up and
16 threatening the guy, the next you know you're
17 buddies. You know, everyone -- everyone's happy,
18 best of friends.

19 There's a guy, I remember where
20 we chased him and we caught him and threatened
21 them, we put hands on him, and eventually at the
22 end of the day we were friends. One of the guys I
23 remember the most was Kushner, where we robbed
24 him, threatened him, I threatened him, and we

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1 light, and a green light means you can do whatever
2 you want to do, and it carried on for years until
3 the point where they got questioned in the end.

4 A lot of them, these
5 individuals were put into arrest warrant status in
6 the PARS. They sat there dormant for a while
7 until the tail end. They were told -- I remember
8 that they told Sergeant Joe McCloskey that you
9 better go round these guys up and prepare arrest
10 warrants for them, and they -- and I remember they
11 were very highly upset with that.

12 They had to go out and gather
13 all these sources up. They were -- they promised
14 them they wasn't -- was not being arrested. So
15 these guys had a green light, and they had to
16 promise them that they was not going to be
17 arrested for whatever they have done from the
18 situation.

19 Q. So let me ask you, when you say "a
20 green light," you mean these are individuals
21 engaging in criminal activity, that these officers
22 knew were engaging in criminal activity yet were
23 using them as sources.

24 A. Yes.

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1 were -- when -- as time went on we were friends,
2 playing games, basketball. It was all a joke.
3 But he know at the end of the day that he was
4 getting a green light to do whatever he wanted to
5 do and we will not target him anymore.

6 Q. Now, Jeff, I want to show you --

7 MR. PILEGGI: And I'm not going
8 to mark this yet.

9 BY MR. PILEGGI:

10 Q. These are -- well, first of all, do
11 you recall in 2011, 2011, whether you were
12 handling CIs at that point?

13 A. Yes, I was.

14 Q. All right. Were you with that squad?
15 At some point you left the squad, correct?

16 A. Yes.

17 Q. You told us yesterday that one of the
18 officers put a gun on you and that's when you
19 decided that you had to leave.

20 A. Yeah, he put a gun on me because it
21 was a lot going on, and I remember, I didn't
22 mention this yesterday, a statement he made and I
23 said what the hell are you doing. He said man, a
24 lot of stuff going on. We don't know what you --

13 (Pages 265 to 268)

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1 what's up with you and, you know, he felt
2 threatened. I was surprised that he pointed a
3 gun. It did happen.

4 I mentioned it to three
5 individuals, mainly the FBI. I mentioned it to
6 Police Officer Reggie Graham and I mentioned it to
7 the supervisor who told me get out of squad.

8 MR. POPPER: Who was the
9 supervisor?

10 THE WITNESS: Sergeant Joe
11 McCloskey, get out of the squad. At that
12 point I knew I had no friends. I eventually
13 continued on -- I stayed by myself. After
14 that eventually I left. That's when I
15 maintained using the CI by myself and the
16 supervisor knew.

17 I will come to work and I would
18 say sarge, I need \$200. He said for what.
19 I said I'm using a CI. I'm going down West
20 Philadelphia. That would be the bottom
21 located at 39th and Lancaster. He said who
22 you taking. I said I'm taking Angie. He
23 said okay. He gave me the \$200. Let me
24 know if you got a problem. We always talk

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1 Now, when I came back in from
2 headquarters, again, I had the voucher already
3 filled out. The sergeant said take it to one of
4 the guys, have them sign it. I said all right.
5 Either -- one of the individuals would sign it.
6 It all depends who it was in the squad, who I was
7 working with. Then he would review it and he'll
8 sign it. Then the lieutenant will sign it.

9 Then it got to the point where
10 I couldn't go to the individuals in the squad
11 anymore because they didn't want no parts of me.
12 The supervisor would sign it. It's Joe McCloskey,
13 Lieutenant Otto, and then it went to -- after I
14 left the squad I went to Gorman squad because I
15 was told --

16 Q. Do you know --

17 A. Sergeant Gorman.

18 Q. Do you know his first name?

19 A. I'm out of the loop with the --
20 falling out with these guys' name. Sergeant
21 Gorman, his squad didn't want to work with me
22 neither because information from my other squad
23 that kept me to be by myself, they gave them the
24 information. Listen, he's stealing, don't work

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1 on the phone. I said fine.

2 I would go to Southwest
3 Philadelphia, pick up Angie. Would not
4 search her. We would talk. We would talk
5 about where we were going to do the buy at.
6 We will do the buy. The sergeant might call
7 me what are you doing. I said I just did a
8 buy at these two different locations. Okay.
9 Well, we over here. Come over here or we'll
10 meet you back at headquarters.

11 When -- he spend a lot of his
12 time running around with Thomas Liciardello,
13 Brian Reynolds, Mike Spicer, John Speiser
14 and Perry all in -- all in the car
15 together -- not in the car, they were in two
16 different cars but he also always floating
17 around with them.

18 BY MR. PILEGGI:

19 Q. Perry Betts?

20 A. Perry Betts. Always floating around
21 with them, doing whatever they were doing, but a
22 lot of times he was not out there with them. He
23 spent a lot of time in headquarters, Joe
24 McCloskey. I was out there by myself.

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1 with him.

2 MR. WILLIAMS: I'm sorry to
3 interrupt. Who is "they" that said that?

4 THE WITNESS: Thomas
5 Liciardello. Mainly it came from him. He
6 was running everything, because I even
7 inquired who is telling you all this stuff.
8 Individuals in Gorman's squad was telling me
9 Thomas Liciardello was telling us this
10 stuff, and I said my -- it's the pot calling
11 the kettle black on that one.

12 But I was by myself. I always
13 complained about not having a supervisor. I
14 would go -- not supervisor, not having a
15 partner. Even when I went home I told my
16 family listen, I'm out there by myself.
17 They questioned why are you out there by
18 yourself. You know, they knew. Because I
19 was playing low. I didn't tell them I was
20 stealing but I told them listen, I had
21 issues with the squad. No one wants to work
22 with me.

23 So I would -- carried on at
24 Gorman -- Sergeant Gorman's squad by myself

14 (Pages 269 to 272)

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1 used a confidential informant. We do the
2 exact same thing that Sergeant Joe McCloskey
3 did. I would come in. He would tell me to
4 have a particular officer sign it saying
5 they were there, because they knew they had
6 to have two officers there on the vouchers.

7 There was times it was covered
8 by Lieutenant Otto saying he was in the car
9 with me, because it got to a point in
10 Gorman's squad no one would sign my vouchers
11 because I was not there -- they was not
12 there. Don't sign the man's vouchers. You
13 know what I mean? Don't sign them. So
14 Lieutenant Otto, I remember him signing a
15 couple, just carrying on, but it stopped
16 when I left Gorman's squad.

17 When I got to Sergeant
18 Barrington's squad, the rule was he's a
19 rogue cop, he's running with CI by myself --
20 by himself, and I said no, I wasn't. I
21 mean, I was -- I said I was but I was
22 allowed to do it. So the point of me being
23 a rogue cop, I was only doing what was
24 allowed for me to do.

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1 You cannot go out with a CI by
2 yourself and use them without the supervisor
3 knowing it. If you do that you got
4 disciplinary actions on you. He's not even
5 letting it go as far as you doing an
6 affidavit, he's going to cut you right
7 there. You're going to get punished.

8 BY MR. PILEGGI:

9 Q. Jeff, did -- do you recall how many --

10 MR. FEINSCHIL: I'm sorry,
11 Mike, I didn't -- Mr. Walker, who pointed
12 the gun at you? I didn't hear that.

13 THE WITNESS: That would be
14 Speiser, John.

15 MR. FEINSCHIL: Thank you.

16 BY MR. PILEGGI:

17 Q. Jeff, are you saying that the reason
18 why you left that squad or the reason why you got
19 forced out of that squad was because you were
20 stealing? Is that what you're saying?

21 A. No, I'm not saying that. I got forced
22 out of that squad because I was not part of the
23 group anymore. The gun was enough for me. It was
24 time for me to go. I know I was heading out the

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1 door.

2 I was on the street by myself
3 using other officers with my cell phone that had
4 no idea what I was doing, but they just wanted to
5 make some court time. They saw a narcotics cop by
6 himself needing some assistance. They gave it to
7 me.

8 As far as they did, I had none
9 of them doing any eyes on anything. I would say
10 listen -- I had these backup officers, uniform
11 officers, not doing any eyes. All their
12 responsibility was to arrest, and they were happy
13 with that. So they got court time and they knew I
14 was out there by myself.

15 One of the jobs I can recall
16 was Michael Hall's job back in 2010.

17 Q. Tell us about that job.

18 A. I did that whole entire job by myself.
19 I did that whole entire job by myself. You can
20 look at the paperwork and see Officer Walker met
21 with the confidential informant. I had one
22 paragraph where I said I met with Police Officer
23 Norman. That's a typo. I was using sources of
24 information and a confidential informant to do

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1 that whole entire job.

2 The source of information would
3 give me the information. The only thing I had to
4 do was go around and see these individuals
5 standing in front of the house. I would have the
6 confidential informant make buys. I was going by
7 what they told me and I would do a drive by and
8 see these individuals, and the only thing I did
9 was articulate the whole entire job together and
10 that's how I got all the drugs in the houses.

11 One of the houses I articulated
12 a BD team. I believe the 16th District ran into
13 one of the houses. One of the burglary teams ran
14 into one of the houses during a narcotic arrest,
15 and the majority of the guns and stuff was in the
16 house.

17 I had to actually -- was called
18 out to secure that location, and I did a warrant
19 on that location based on what they had, and I
20 took what they had and added it to all the
21 warrants -- probable -- PC that I had already, and
22 I was able to do the warrants the following day.

23 It was multiple houses, again,
24 but no one was -- no one questioned me of how can

15 (Pages 273 to 276)

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1 one cop do all that work, but it took a number of
2 squads to actually effect the warrants on the
3 locations, and every night I did a buy I walked in
4 there and the supervisor had someone sign or he
5 signed in the area where a secondary officer is
6 supposed to sign.
7 Q. The witnessing signature?
8 A. The witness signature and at the
9 bottom.
10 Q. Now, Jeff, I have a stack of probably
11 about 60 vouchers that you handled in 2011.
12 Actually, it appears to be all your CIs' vouchers
13 for the full year of 2011. Do you recall that?
14 A. Yes.
15 Q. All right. Were you with the squad at
16 that point or were you on your own?
17 A. I was on the way out.
18 Q. Okay. So half in, half out or were
19 you all the way out?
20 A. I was all the way out with them but I
21 was still in the squad.
22 Q. So, you had mentioned that you would
23 have supervisors sign off on your CI vouchers as
24 witnessing a witness without being present,

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1 the other one, too, another copy.
2 MR. KRASNER: Indicating for
3 the record that documentation of which
4 documents are being reviewed has been passed
5 to defense counsel.
6 MR. SANTARONE: And for the
7 record, it's USA079364 and 365.
8 THE WITNESS: Go through the
9 documents?
10 BY MR. PILEGGI:
11 Q. Yeah. My general question, without
12 getting into the specifics of what's on those
13 documents, is there a number of those vouchers
14 that were signed as a witnessing supervisor where
15 the supervisor actually did not witness?
16 A. Yes, it's a few of them there with the
17 supervisors who was not there but they're acting
18 as a secondary officer. It's also officers that
19 the supervisor instructed me to have them put
20 their names on the vouchers to show that it was a
21 secondary officer with me.
22 Q. Let's start with the supervisor. What
23 supervisors' names are on there that actually did
24 not witness?

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1 correct?
2 A. Yes.
3 Q. Okay. And again, I have a stack here.
4 I'm not going to mark them, but if you want to
5 look through them and if you could tell me -- and
6 again, maybe you're just guessing --
7 A. It's an estimation.
8 MR. CHRISTIE: Do you have
9 copies of these, Mike?
10 MR. PILEGGI: No, I'm -- he
11 wanted to say something.
12 I do not, but you do.
13 MR. SANTARONE: Can you tell us
14 the NFU numbers.
15 MR. PILEGGI: Yeah, the NFU
16 numbers.
17 MR. CHRISTIE: Can you identify
18 them?
19 MR. PILEGGI: Well, I want him
20 to review them first. I may not even --
21 MR. SANTARONE: I still want to
22 know the number, what you're showing him.
23 MR. PILEGGI: It's 2011 --
24 here, I'll give you. Wait a minute, here's

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1 A. From my memory, a lot of them should
2 be Sergeant Joe McCloskey, Lieutenant Otto and
3 Sergeant Gorman.
4 Q. Okay. How about the officers, the
5 line officers?
6 A. Mike Spicer, Perry Betts -- I haven't
7 went through all these, but from what I see on the
8 top, Mike Spicer and Perry Betts. The rest of
9 them are supervisors.
10 Q. Okay.
11 A. Yeah, when we get into Gorman's squad
12 it's different officers.
13 Q. Now, Jeff, I want to talk a little bit
14 about search warrants. Generally speaking, was
15 there ever an occasion where your squad executed a
16 search without probable cause and absent a search
17 warrant?
18 A. Yes.
19 Q. All right. Is there -- under the
20 policies and procedures and the law, is there
21 incidents where an officer can go into a property
22 without a search warrant?
23 A. Is there incidents?
24 Q. Yes. Is there a --

16 (Pages 277 to 280)

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1 A. There's exigent circumstances. Hot
2 pursuit. Chasing someone in a house. Fear of
3 obstruction of evidence. A person coming out the
4 house where it revealed that the person --
5 secondary person or co-defendant knows the arrest
6 of another individual and they attempt to destroy
7 evidence and we -- knowingly they're trying to
8 destroy evidence and we secure the house. That's
9 the two main ones there.

10 Q. Now, was there ever an occasion where
11 you and/or your squad conducted a search without a
12 warrant?

13 A. Numerous times.

14 Q. Okay. Did they all occur when there
15 was either hot pursuit or exigent circumstances or
16 when you believed there was going to be
17 destruction of property?

18 A. Yeah. A lot of times we made exigent
19 circumstances. We put ourselves in positions
20 where if a person came out the house we stopped
21 them. We didn't follow them out the area, but it
22 didn't matter. Once we stopped them out the area
23 we still went back to the house, opened the door
24 with the keys. We locked people up in other

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1 locations and we took them back to the location
2 and got into the location.

3 Q. Let me ask you, are you permitted to
4 do that as a police officer?

5 A. No.

6 Q. Okay. Go ahead.

7 A. Once we inside these houses either --
8 one of the individuals I was involved with, Thomas
9 Liciardello, Michael Spicer, Brian Reynolds, Perry
10 Betts is with us, John Spelser is with us,
11 everyone is there but a supervisor. Tommy will
12 make a call to Joe McCloskey and sometime you hear
13 him screaming at him how you even get there or
14 what's going on, to the point where he got tired.
15 He got so tired. He had no power.

16 Q. Who is he?

17 A. Sergeant Joe McCloskey. Call Otto.
18 Don't call me, call Otto. I've witnessed that
19 situation next to Thomas Liciardello talking to
20 him on the phone and I witnessed it when I went to
21 other squads, where Joe McCloskey got so tired he
22 didn't even want to be involved with him and he
23 was actually running with another squad I was in,
24 and he would receive a call and I know it's Tommy

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1 on the line because Tommy be yelling, and Joe
2 McCloskey would say what you calling me for, call
3 Lieutenant Otto.

4 Either in the squad or outside
5 the squad, Joe McCloskey had no control over what
6 was going on in that squad. It was Thomas
7 Liciardello's squad. He made it very clear that
8 he was the boss of the squad. I even jokingly
9 said Joe is Tommy's puppet. Tommy was the puppet
10 master.

11 And when it was -- when -- he
12 always put Joe McCloskey on the spot even when he
13 made accusations that Joe McCloskey took something
14 in one of these houses we were in, and he told
15 every -- he told certain people in the unit, and
16 he made a velcro sound because Joe McCloskey wore
17 a vest, and he was in the basement with the money,
18 and so there was a lot of disrespect.

19 Tommy was very disrespectful to
20 not only other individuals in the unit when he
21 felt that they was not doing what he wanted them
22 to do but he was also very disrespectful to the
23 supervisors. He can do anything and everything he
24 wanted, and he was protected. He actually told --

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1 Q. Who was he protected by, Jeff?

2 A. He was protected by the Lieutenant
3 Otto. The cap at the time we were using -- I keep
4 forgetting his name -- he was mainly protected by
5 Blackburn. There was times where -- when Joe used
6 to scream -- Joe McCloskey used to scream at him
7 and Tommy will say your balls are in my hand. And
8 Joe didn't do nothing but put his hands together
9 and twiddle his thumbs and say nothing.

10 It was a lot of disrespect
11 coming from Thomas Liciardello dealing with Joe
12 McCloskey.

13 Q. Jeff, other than -- was there ever
14 times where you went into a house without a search
15 warrant and then waited at the house to go get a
16 search warrant?

17 A. A lot of times within those -- that's
18 where a lot of the childish play occurred, Brian
19 Reynolds used to wear the defendant's clothes. We
20 used to drink in the houses, when the people were
21 in the houses. It was Brian Reynolds, Thomas
22 Liciardello, Michael Spicer, Perry Betts, Norman,
23 Linwood Norman. Other -- sometimes other members
24 of the squad, Reggie Graham, Williams, Barry

17 (Pages 281 to 284)

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1 Clahar be in these houses.
 2 Brian used to joke around
 3 when -- people used -- all depends who it was who
 4 left, wear clothes, eat the people's food, cook
 5 their food while they sitting there waiting,
 6 ordering pizzas with the money that they took from
 7 them. It was just -- we used to just ruin these
 8 people's houses. Tommy -- I witnessed Tommy
 9 pissing on people's personal property. It was --
 10 it was just very childish, the things that we were
 11 doing in these houses.
 12 Searching -- I was part of it,
 13 too. I'm not excluding myself. I was -- put
 14 hands on people, I was searching, I was stealing,
 15 and when it was time to lie, I was lying. You
 16 know what I mean? I was part of the destruction.
 17 I was still in clothes. I was part of the group
 18 that was doing it. I witnessed it.
 19 When the supervisor came in,
 20 Brian used to come in -- Brian used to come to the
 21 door with the man's clothes on, the man's shoes
 22 on. Took all his clothes and put this man's hat
 23 and shirt and shoes and -- looking like a pimp.
 24 You know what I mean? The supervisor's sitting

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1 the story we're hearing.
 2 MR. KRASNER: Yeah, I
 3 understand.
 4 THE WITNESS: The story's true.
 5 MR. KRASNER: I understand your
 6 position.
 7 THE WITNESS: You may find it
 8 hard to believe but it is true.
 9 MR. KRASNER: Go ahead, sir.
 10 MR. SANTARONE: You'd be the
 11 first to point out if my clients were
 12 laughing or reacting in any way, wouldn't
 13 you?
 14 MR. WILLIAMS: Well, they have
 15 been, Joe.
 16 MR. KRASNER: Is this about
 17 something other than the deponent?
 18 MR. SANTARONE: No, I'm just
 19 asking --
 20 MR. KRASNER: Okay. Well, why
 21 don't we proceed with the deposition, if
 22 that's okay with you.
 23 MR. SANTARONE: Fine.
 24 MR. KRASNER: Good.

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1 there just looking at him like man, you crazy.
 2 The guy sitting there just not saying nothing. It
 3 was very childish what we did. You know what I
 4 mean? It was -- we were untouchable. That's the
 5 truth.
 6 Q. Jeff, did they ever take -- did
 7 anybody ever take any jewelry?
 8 MR. SANTARONE: What's so
 9 funny, his ridiculous story or --
 10 THE WITNESS: The story is
 11 true.
 12 MR. KRASNER: Objection.
 13 MR. SANTARONE: I mean --
 14 MR. KRASNER: Would you like me
 15 to answer that?
 16 MR. SANTARONE: No, I think
 17 it's unprofessional for you to be laughing
 18 while the witness is testifying. I just
 19 wanted that --
 20 MR. KRASNER: As compared to
 21 stealing people's clothes and wearing them
 22 to the door dressed like a pimp? Is that
 23 what you mean?
 24 MR. SANTARONE: According to

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1 BY MR. PILEGGI:
 2 Q. Jeff, do you recall anyone stealing
 3 any jewelry when they were in any of these houses?
 4 A. Yes. Norman stole jewelry. I was
 5 mainly stealing clothes. Tommy would steal
 6 anything and everything he put his hands on,
 7 jewelry, clothes, just personal items that the
 8 person complained about that I witnessed, and I
 9 participated in that also.
 10 Some stuff was resold. I
 11 remember Brian used to be big -- Brian Reynolds
 12 was big on stealing jerseys. I said who you
 13 giving those jerseys to. He was giving them to
 14 his nephew. Whatever ones he wanted he was
 15 selling them on eBay. There was a lot of
 16 stealing.
 17 Q. Do you know --
 18 A. Liquor. I remember defendant Herb
 19 Price we ransacked his apartment. We were
 20 stealing liquor out of there. There was a lot of
 21 things going on.
 22 Q. Jeff, how do you know that they --
 23 some of the officers were selling items on eBay?
 24 A. Brian Reynolds told me. I know he had

18 (Pages 285 to 288)

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<p>1 a nephew and he was -- what are you doing with the</p> <p>2 jerseys. He said that ones that they wanted he'd</p> <p>3 give them to him and they was selling them, and I</p> <p>4 never met his nephew before.</p> <p>5 Q. Do you recall when that was, when he</p> <p>6 told you that?</p> <p>7 A. I remember the time of Herb Price. We</p> <p>8 did Herb Price. He was living in the Executive</p> <p>9 House. They were actually one of the first --</p> <p>10 when I first started going into the Executive</p> <p>11 House way before Kushner with the rest of them</p> <p>12 guys we were locking up.</p> <p>13 Q. Now, Jeff, when you were sitting in</p> <p>14 the houses waiting for the warrant, what would you</p> <p>15 do with the occupants? Would they be in the</p> <p>16 house, too? Would they be outside?</p> <p>17 A. No, sometimes they'd be in the --</p> <p>18 they'd be in the house with us watching things go</p> <p>19 on and sometimes they would not be there. It</p> <p>20 depends what the situation was.</p> <p>21 Q. Would you search that house during the</p> <p>22 period of time before the warrant was actually</p> <p>23 obtained?</p> <p>24 A. Always, especially when we were</p>	<p>1 warrant. He made a joke out of it. He told</p> <p>2 Thomas Liciardello.</p> <p>3 And I can remember later that</p> <p>4 evening the sergeant questioned me and said</p> <p>5 listen -- he didn't question me on being there</p> <p>6 prior to the warrant, but he questioned -- listen,</p> <p>7 I'm going to separate you and Norman. I'm going</p> <p>8 to put you in the car with Thomas Liciardello and</p> <p>9 Norman was going to be in the car with whoever, I</p> <p>10 think Michael Spicer or Perry Betts, but that</p> <p>11 didn't work.</p> <p>12 We went back -- me and Norman</p> <p>13 were working back together until Norman left the</p> <p>14 squad because when Norman left the squad because</p> <p>15 he was disgruntled with the disrespect that was</p> <p>16 done -- conducted towards him, but again, they</p> <p>17 would not -- they had limits on how they were</p> <p>18 dealing with Norman because Norman -- like me, I</p> <p>19 was passive to a certain point, but Norman was not</p> <p>20 passive at all.</p> <p>21 So he end up leaving the squad</p> <p>22 and went to Sergeant Meehan's squad. Prior to</p> <p>23 getting to Sergeant Meehan's squad me and Norman</p> <p>24 used to always talk. We're close. And he said --</p>
Page 290	Page 292
<p>1 securing it. If we had information a guy had a</p> <p>2 lot of money in the house, we made sure we be</p> <p>3 there prior to doing the warrant. Once -- if it</p> <p>4 was money in there, we took it. The supervisor</p> <p>5 was notified. It was never questioned why we were</p> <p>6 in there. It wasn't our -- the only question was</p> <p>7 where Joe had an issue where he told Tommy to go</p> <p>8 in another location and he went to -- he just</p> <p>9 totally disregarded what he was saying and went to</p> <p>10 secure another house.</p> <p>11 But I also knew, again,</p> <p>12 misconduct that the supervisor allowed, where they</p> <p>13 had multiple houses and they didn't have warrants</p> <p>14 on some of these houses. I watched Joe McCloskey</p> <p>15 give Police Officer Mike Spicer, Thomas</p> <p>16 Liciardello keys, a defendant's keys, and they</p> <p>17 will leave and they will come back, and that</p> <p>18 behavior carried on to me because it was okay to</p> <p>19 do.</p> <p>20 I have walked in houses with</p> <p>21 Police Officer Norman by myself. He had an issue</p> <p>22 where we walked into a location, Norman damaged</p> <p>23 the door, and Police Officer Perry Betts seen that</p> <p>24 we were in there prior to the execution of the</p>	<p>1 I said how you making out in Sergeant Meehan's</p> <p>2 squad? Man, you got to get over here with me.</p> <p>3 Just his thing was the white boys are getting</p> <p>4 money over here. And I said who is that. That</p> <p>5 would be Jeff Galazka, Mike Brown. There's</p> <p>6 another individual I forgot, which after I got</p> <p>7 over there I actually stole with them, stole with</p> <p>8 these individuals I just mentioned.</p> <p>9 So once Norman left I was</p> <p>10 trying to work back to getting back working with</p> <p>11 Norman. Once I met with Norman, I still was not</p> <p>12 happy in that situation. The pressure was on me</p> <p>13 again. I left and went to the last squad I was</p> <p>14 with, and that's when I was arrested.</p> <p>15 So the only thing I learned by</p> <p>16 going to these individual squads was picking up on</p> <p>17 the misconduct of the squads on whatever level it</p> <p>18 was before I got to the very last squad, which</p> <p>19 there was misconduct in that squad. An officer</p> <p>20 lost his job for stealing and then shortly after I</p> <p>21 was arrested.</p> <p>22 Q. Jeff, let me ask you, were you aware</p> <p>23 that Officer Norman was terminated at some point?</p> <p>24 A. Yeah, at one point he was</p>

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1 terminated -- he was terminated twice. One, he
2 had a domestic issue, a personal domestic issue
3 with his -- his girlfriend, and another issue he
4 was terminated for property receipts, missing
5 property receipts. Money was -- made an
6 accusation that he stole money off of one of his
7 own property receipts. This is the way it had
8 came out and he end up losing his job, but he
9 ended up getting his job back on arbitration and
10 we were witnesses to protect him.

11 I still to this day don't know
12 if he -- the man stole it or not, but I know it
13 didn't look right how he stole it because it
14 was -- he had a bad year that year, where so much
15 personal things were happening to him, and we had
16 an issue where they -- a family member took his
17 gun, he broke his uncle's ribs. He got his gun
18 back and then he got into problems -- it was a
19 terrible year for Norman.

20 He end up losing his job, but
21 again, he got his job back, and we actually were
22 at his arbitration, myself, Police Officer
23 Reynolds, I don't believe Tom was there, may have
24 been -- not -- been there or not -- no, I don't

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1 think Thomas Liciardello was there. It was
2 earlier. We were working under Genie Gessner when
3 this stuff was going down.

4 Q. Jeff, one more policy I want to
5 discuss is when there's a search and there -- it
6 may not even be pursuant to a search. When
7 there's evidence confiscated from an individual,
8 is there certain policies and procedures that have
9 to be followed with respect to taking that
10 property into evidence?

11 A. Yes. It's all -- again, policies are
12 to safeguard the officers in case something
13 happens, especially when you're dealing with
14 money, any type of evidence. A person say that
15 the officer did, so it rest on the policy. The
16 policy has to be followed especially when
17 collecting evidence.

18 A lot of times we were not
19 using evidence bags. We was throwing it in the
20 boxes. A lot of times the officer was
21 confiscating it, regardless of who it is -- like
22 Perry will take some money unknowingly and then it
23 will reappear at headquarters and was questioned.
24 Thomas Liciardello will control all the money, all

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1 the evidence, and we would meet in a lot and we
2 would go through -- if the evidence were bagged
3 we'd go through the bag and we'd bag it up so we
4 had control of whatever we want.

5 But at times where -- I believe
6 because we were doing so much stealing that the
7 supervisors taking control of the evidence, mainly
8 Otto and a lot of times Joe McCloskey, but
9 prior -- before that at times Thomas Liciardello
10 had control of the evidence in a situation, but
11 there was a lot of misconduct of collecting the
12 evidence, counting money in houses, large amounts
13 of money.

14 Again, it's a policy of
15 collecting evidence. Everything's bagged up with
16 the sign out investigator and the supervisor and
17 it's taken and recounted. It's protected in case
18 a person says listen, I had a large amount of
19 money and -- and accuse the officer and they say
20 well, how did you bag the money up. Well, the
21 sergeant grabbed it off of me and then gave it to
22 me and we went into headquarters. So it rests on
23 the supervisor.

24 Q. Jeff, lastly for me I want to -- could

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1 you explain what a jump-out job is. You had
2 mentioned that.

3 A. A jump-out job is streets jobs. It
4 got so funny that the people we were jumping out
5 at said jump-out Wednesdays or jump-out Thursdays.
6 You know what I mean? We would come down the
7 block sometimes in two cars. We'd bypass somebody
8 and they did the first car, they don't see the
9 second car.

10 They do something we believe to
11 be some type of drug activity and we jump out on
12 them. Once we jump out and get something worthy
13 of arresting these people, we make up the probable
14 cause, and sometimes we do actually see criminal
15 activity, but again, at times these jobs are made
16 up.

17 You have the evidence. We make
18 up the observations saying someone did something,
19 and they didn't do it but they had the evidence,
20 and it's never questioned, because at the end it's
21 you have a defendant and you have evidence. So it
22 was not questioned.

23 Q. Jeff, do you recall a case that I was
24 involved in that I brought on behalf of a client

20 (Pages 293 to 296)

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1 where there was actually a hearing with respect to
2 yourself, Officer Liciardello and Officer Reynolds
3 jumping out on clients that I was representing and
4 making statements? Do you recall that?

5 A. Yes, I recall that incident. It was
6 the Andre Blaylock. I know things were said that
7 didn't actually happen the way they did and --

8 Q. Explain that. What was said?

9 A. I know the accusations was said that
10 we jumped out on him and we said a whole lot of
11 the things to him. This is actually what happened
12 because I was in the car. We were being sued by a
13 number of individuals down in that area. We were
14 in that area. We did see Andre Blaylock.

15 We never jumped out the car but
16 words were exchanged. It was exchanged from
17 Police Officer Liciardello, Andre Blaylock. No
18 one pointed a gun at him. I joined in on the
19 talking to Andre Blaylock. You were spoken up as
20 being a raggedy ass lawyer and he wasn't going to
21 do nothing.

22 MR. KRASNER: Gentlemen, no
23 laughing.

24 MS. FUREY: That part was true.

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1 THE WITNESS: You know what I'm
2 saying? There was a lot of disrespect.

3 And when the information came
4 down that this man had filed a complaint we
5 had -- we were known -- Thomas Liciardello
6 was known for driving fast anyway, so we can
7 get from one part of the city to another
8 part of the city within a short period of
9 time, and when the issue came down we was in
10 Southwest Philly, so it was impossible for
11 this man that said he saw us and we sitting
12 in Southwest Philadelphia and we got a
13 regular assignment, or something happened.

14 We were there, down there,
15 again, maybe in a jump-out. There was
16 something that was there that recorded that
17 showed we were down there at the time he
18 said it. Because we would move around kind
19 of fast. Couldn't follow us for nothing.
20 When we were working and you wanted us,
21 couldn't follow us because we -- we were
22 driving fast. Couldn't catch us.

23 BY MR. PILEGGI:

24 Q. Jeff, you mentioned the Andre Blaylock

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1 case. Do you recall that case?

2 A. Yes, I do.

3 Q. That's a case that I'm correct that
4 went all the way up to the Third Circuit?

5 A. It went up there.

6 Q. Okay. That was a case where you and
7 your squad claimed that there was
8 misidentification -- of course I'm being
9 sarcastic, that you misidentified Mr. Blaylock.

10 A. Yeah, I can explain it if you want me
11 to.

12 Q. Please.

13 A. I did an investigation. I was the
14 affiant. I was utilizing an informant I believe
15 by myself. I observed which I believed at the
16 time there was an individual who was not there
17 when I believe him to be there, and I questioned
18 my observation and discussed it with Police
19 Officer Brian Reynolds.

20 It was two brothers, Omar and
21 Andre. Reynolds said listen, man, pick one,
22 choose to pick Andre. At the end of things, it
23 was not Andre, it was his brother Omar, and this
24 was after the fact that the warrant was executed.

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1 People were arrested. I was actually doing the
2 paperwork. I think I did the preliminary hearing
3 that the defense attorney proved that he was in
4 custody at the time and I was in a situation.

5 So I brought it to my
6 supervisor, Joe -- not Joe McCloskey, Chet
7 Malkowski, and it end up being as a result of that
8 conversation I took and I just start whiting it
9 out, and then furthermore we continued to lie. It
10 was questioned by us that he was out there with a
11 photograph of the individuals, which never
12 happened.

13 I was out there with an
14 informant and I misidentified someone, but I kind
15 of owned it up toward the end. I was put into a
16 corner that I made a mistake, but I tried to cover
17 the mistake up, but I did bring it to a
18 supervisor, too, and the result of that was white
19 it out, no additional -- or go to court and tell
20 the DA you made a mistake, but the damage was
21 already done.

22 We had to make it look like an
23 honest mistake, and with an honest mistake Brian
24 had a picture, and the two brothers look alike,

21 (Pages 297 to 300)

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1 because they resemble each other to a certain
2 degree, and that's it.

3 Q. So am I correct that you whited out
4 one name and put the other name in?

5 A. Yes. That was a result of talking to
6 the supervisor, the conclusion of what that
7 conversation was.

8 Q. And what was the result of that case?
9 Did you lose or win?

10 A. We lost. I lost.

11 MR. PILEGGI: I have nothing
12 further.

13 ---

14 (Whereupon, Michael Pileggi,
15 Esquire left the deposition room.)

16 ---

17 (Whereupon, a short recess was
18 taken, after which time the deposition
19 resumed.)

20 ---

21 BY MR. SANTARONE:

22 Q. Mr. Walker, you were released from
23 jail in March of 2016?

24 A. Yes, I was, March the 30th.

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1 looking?

2 A. Yes, I have been.

3 Q. Where have you been looking? What
4 kind of work are you looking for?

5 A. Through family that may have jobs for
6 me, as far as odd jobs. Starting this summer I
7 was working with my mother to do some landscaping
8 work, working with a company, but that didn't pan
9 out. I'm still searching.

10 There's a lot going on right
11 now where I'm just taking one issue at that time.
12 One of my main issues is handling my
13 responsibilities as far as these depositions, and
14 when I have time I'll find employment.

15 Q. You were asked a lot of questions. I
16 just want to clarify. You were asked -- generally
17 asked questions about squads. Can you go through
18 the squads that you were in, and maybe we can come
19 up with a way to name them and the dates that you
20 were in those squads.

21 A. Okay.

22 Q. You started in narcotics in 2001?

23 A. Probably 2000.

24 Q. Okay.

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1 Q. And are you currently on probation?
2 Parole?

3 A. Probation.

4 Q. And how long is that going to last?

5 A. Three years.

6 Q. And I'm not going to ask you where
7 you're living, but what do you do for a living?

8 A. Nothing right now.

9 Q. You're unemployed? What's your source
10 of income?

11 A. My sister's inheritance. She had
12 passed during my arrest, of cancer.

13 Q. Okay. And you're living off of that
14 money from your sister?

15 A. Yes.

16 Q. Are you looking for employment?

17 A. Eventually I will find employment.

18 Q. Is part of your probation that you're
19 supposed to seek employment?

20 A. That's what they say, but again,
21 situations arise where I am looking for
22 employment. They know I'm trying to find
23 employment.

24 Q. That's my question. Have you been

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1 A. 2000.

2 Q. And you named -- who was in that
3 squad. What was that squad called?

4 A. I don't know the names of that. I
5 mean, I know the -- I remember the individuals
6 that were in the squad, but you're talking about
7 the names of the squad, no, that's too far --

8 Q. Was that the Genie Gessner's squad?

9 A. You could say that, Gessner.

10 Q. Was she the sergeant the entire time
11 you were there?

12 A. In the squad, yes, until she retired,
13 and then I went over to Chet McCloskey.

14 Q. Is that McCloskey or Malkowski?

15 A. I'm sorry, Malkowski. I got to go
16 back with these names. Malkowski. That's why I
17 say the first name first, Chet.

18 Q. And when --

19 A. Chester.

20 Q. And when Genie retired and -- was that
21 still the same squad just with a new sergeant or
22 was it a different squad?

23 A. I don't recall exactly. I know I left
24 the squad with certain members and it was a new

22 (Pages 301 to 304)

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1 squad at that point. Certain -- more individuals
 2 came different than was in Genie Gessner's squad.
 3 Q. Okay. And when was the squad -- how
 4 long were you in that squad?
 5 A. I can't pinpoint the number of years,
 6 but one -- more than two, somewhere around there,
 7 because we carried on from Chet Malkowski's squad
 8 and we carried on that squad until we were
 9 actually broken up.
 10 Q. And why were you broken up?
 11 A. From allegations of misconduct, and
 12 they decided to break us up. They did a lot with
 13 us and I actually went with Chet Malkowski and
 14 Tommy Liciardello, Thomas Liciardello, and we went
 15 to another division, and that's when we hooked up
 16 with Louis Palmer and we had other members. I
 17 believe -- I'm not certain of the individuals. We
 18 had other individuals in the squad with us.
 19 Q. And who was the sergeant of that
 20 squad?
 21 A. It was still Chester Malkowski.
 22 Q. And Louis Palmer was a member of that
 23 squad?
 24 A. I believe so, yes.

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1 Q. And do you remember what year it was
 2 you went into that squad?
 3 A. Not to be exact, no.
 4 Q. When did you move into Joe McCloskey's
 5 squad?
 6 A. When Chet McCloskey -- Malkowski left.
 7 Chester Malkowski left. He retired.
 8 Q. And do you remember what year that
 9 was?
 10 A. No, I do not.
 11 Q. You -- the squad that you've been
 12 talking about with Tom Liciardello, that was -- do
 13 you remember what years you were in that squad?
 14 A. If I had to do a broad it would
 15 probably be ending of 2011, beginning of -- we've
 16 been with each other for the majority of my career
 17 in narcotics field, so we can go all the way back
 18 to maybe 2001 when we was working with -- the main
 19 people were Thomas Liciardello and Brian Reynolds.
 20 Everyone else filtered in from time to time, but I
 21 can't give you the exact years.
 22 Q. You gave a number of statements to the
 23 FBI, right?
 24 A. Yes.

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1 Q. How many times did you meet with them
 2 to give them statements?
 3 A. Occasionally. Sometimes twice a week.
 4 We talked for a period of time over a year or so.
 5 Q. A total of 20, 50 times?
 6 A. No, more than that.
 7 Q. Okay. And you testified in grand
 8 jury?
 9 A. Yes, I did.
 10 Q. And if you had said there that the
 11 times that you were in the squad was 2006 to April
 12 of 2011, does that sound right?
 13 A. Repeat that.
 14 Q. If you had said that you were in the
 15 squad from 2006 to April of 2011 --
 16 A. What particular squad?
 17 Q. The squad with Sergeant McCloskey.
 18 A. That could be true, I mean, but that's
 19 individuals in the squad I was with. I mean,
 20 certain -- like I said before, certain
 21 individuals, like Thomas Liciardello and Brian
 22 Reynolds, I was with these guys longer.
 23 Q. Before McCloskey.
 24 A. Yes. We stayed together until we were

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1 broken up and got back together again.
 2 Q. And in April of 2011, what squad did
 3 you go to then?
 4 A. April -- after Sergeant McCloskey's
 5 squad?
 6 Q. Yes.
 7 A. I went to Sergeant Gorman's squad.
 8 Q. And did you remain in Sergeant
 9 Gorman's squad until you were arrested on
 10 May 21st, 2013?
 11 A. No, I did not, I bounced around. I
 12 went from Sergeant Gorman's squad to Sergeant
 13 Barrington's squad, from Sergeant Barrington squad
 14 I went to Sergeant Meehan's squad, then I end up
 15 another squad, I don't -- I can't remember the
 16 sergeant's, and then I was arrested.
 17 Q. So between April of 2011 and your
 18 arrest on May 21st, 2013, you were in four
 19 different squads during that time frame?
 20 A. Yes, I was.
 21 Q. What squad -- you were in a squad
 22 where you because of drinking had lost your gun.
 23 What squad were you in?
 24 A. That was with Sergeant Gorman's squad.

23 (Pages 305 to 308)

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1 Q. So that would have been after Sergeant
2 McCloskey, then.
3 A. Yes.
4 Q. And you talked about the number of
5 people that were in the squad and you said there
6 were only six in your squad. What were the
7 numbers that were in other squads?
8 A. It was a lot more.
9 Q. How many more? When you were in those
10 squads, how many were in those squads?
11 A. More than we had.
12 Q. More than --
13 A. I can't give -- yeah, way more than --
14 there was a reason why we were six.
15 Q. Okay. Seven is more than six. Was it
16 more than that?
17 A. Way more than that. I would say
18 maybe -- maybe ten.
19 Q. Okay.
20 A. More. It was obviously way more. We
21 went from several people to I was working with a
22 group.
23 Q. The problems that you talked about --
24 you talked about everybody drinking. You were the

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1 had.
2 Q. When was it that you were -- felt like
3 you were on the outs with the squad that you were
4 in with Liciardello?
5 A. It came before -- it was -- see, at
6 the beginning we were all tight. It was me,
7 Thomas Liciardello and Brian Reynolds. We were
8 like brothers. We were tight.
9 As the squad started changing,
10 more -- it got more visible when Sergeant
11 McCloskey -- got in Sergeant McCloskey's squad.
12 It count as a little division there, but what I
13 was going through, personal issues, was dealing
14 with support and family issues, I knew I had to
15 work a little bit more because at the beginning of
16 my career in the narcotics field unit I was
17 basically a follower.
18 I was following Thomas
19 Liciardello. I was basically doing everything he
20 asked me to do, but once I got into -- my personal
21 issues changed I started doing more jobs on my
22 own. I had to do more jobs on my own because that
23 was the separation there. It was a feud, and it
24 was not my feud with him, it was his -- Thomas

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1 one who was treated because of your drinking
2 problem, correct?
3 A. What do you mean by "treated"?
4 Q. Were you sent to Employee Assistance
5 because of your drinking?
6 A. I went to Employee Assistance because
7 of personal problems that I had, some marital
8 problems that I had.
9 I was only sent to Employee
10 Assistance towards the end where it was mainly
11 allegations the FBI was around. So it was
12 basically clearly that they wanted to make it look
13 like I had issues, which I did have issues. It
14 was the -- it was put on me that I was the drunk,
15 which I was drinking amongst a lot of other
16 people. You know what I mean?
17 A lot of my alcoholism came
18 from constantly drinking with the squad. We
19 had -- again, I go back to we always had beer on
20 hand at all times. We had refrigerators full of
21 alcohol. We drank while we were working. We
22 drank after work, when we supposed to have been
23 working. So it was -- it was a party, so it was
24 easy to become an alcoholic working in the squad I

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1 Liciardello's feud with me. I was not following
2 everything he commanded me to do and it implicated
3 a problem.
4 I remember one incident we had
5 at court where I guided -- my job was guided away
6 from doing what they wanted to do because we had a
7 smaller squad. So if I had to go do something, it
8 stopped them from doing whatever they had to do.
9 So it was an issue that me and
10 Thomas Liciardello had at court, at CJC, and he
11 had a group of guys around him, and it was a
12 discussion of me saying to him listen, I need to
13 do jobs, too, and it ended in a discussion with me
14 saying listen, I guess you my -- guess you Santa
15 Claus and you guys my little tiny reindeers, go
16 out and make me some money then, and they took it
17 as a joke the way I said it, and Tommy came back
18 at me, said okay, motherfucker, you on your own.
19 You know what I mean? And that's when the feuding
20 started, really started going back and forth with
21 each other.
22 Q. In your testimony earlier in the grand
23 jury you said that in the summer of 2010 you were
24 on the outs with the group. Do you agree that

24 (Pages 309 to 312)

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1 that that's around the time?
 2 A. Yeah, I was -- that was -- I was on
 3 the outs, but it was --
 4 Q. And at that -- at that time you're
 5 talking about --
 6 A. Are you going to let me answer the
 7 question?
 8 Q. But I just asked you that -- that was
 9 the only question I asked you.
 10 A. Well...
 11 Q. And at the time --
 12 MR. KRASNER: Sir, you can
 13 answer the question fully. You were
 14 interrupted.
 15 THE WITNESS: Well, I'd like to
 16 finish answering the question. You throw me
 17 a part question and it's not a -- it's not
 18 a -- I have a --
 19 BY MR. SANTARONE:
 20 Q. Did you say -- well, the question was
 21 did you testify that you were on the outs in the
 22 summer of 2010. I didn't ask you why, I just
 23 asked you is that what you testified to.
 24 A. That's the --

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1 MS. FUREY: Can you show it to
 2 him?
 3 MR. SANTARONE: He admits.
 4 MR. KRASNER: Okay. That's
 5 fine.
 6 MS. FUREY: Usually you show
 7 the witness --
 8 MR. KRASNER: But he should be
 9 able to answer it and answer it fully.
 10 MS. FUREY: Yeah.
 11 THE WITNESS: The question how
 12 I interpret it was you -- was I on the outs.
 13 Yes, I was on the outs with -- that wasn't
 14 the beginning of the outs in 2010. It came
 15 before that. That's how I -- because when
 16 you asked the question, how I interpreted
 17 the question when it was asked to me at the
 18 time.
 19 BY MR. SANTARONE:
 20 Q. Okay.
 21 A. It didn't start in 2010.
 22 Q. And at the time you talked about your
 23 personal problems, you were having serious
 24 drinking problems?

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1 A. I was drinking. Yes, I was --
 2 Q. Were you having marital problems at
 3 the time?
 4 A. Yes.
 5 Q. Were you suffering from depression at
 6 the time?
 7 A. Yes, I was suffering from depression.
 8 Q. And did you have money issues, too?
 9 A. Yes, I had money issues.
 10 Q. What had you gotten involved in that
 11 caused you to have money issues?
 12 A. Well, it started from my divorce.
 13 Q. What year were you divorced?
 14 A. It was before 2010.
 15 Q. Okay.
 16 A. You can say that. I don't know a
 17 specific year. But I had money issues and --
 18 Q. How many times have you been married?
 19 A. Twice.
 20 Q. Had you been divorced twice?
 21 A. Yes.
 22 Q. Okay. When was the second divorce,
 23 then? What year was that?
 24 A. Again, it was before 2010.

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1 Q. Okay.
 2 A. A year or two before 2010. You want
 3 me to be exact with numbers, I don't know. I
 4 don't recall the exact numbers --
 5 Q. No, I guess I'm asking what--
 6 A. -- before 2010.
 7 Q. -- what years were you married. You
 8 had two different marriages that ended in divorce?
 9 A. Yeah, I was --
 10 Q. What years were you married?
 11 A. Again, you're asking a question I
 12 can't be specific with the answers you're asking
 13 me. Me to be specific with --
 14 Q. Okay.
 15 A. -- years and I may be wrong and I'm
 16 not going to guess. I'm going to give you
 17 everything that you tell me as exactly what I
 18 know.
 19 So I've been married twice, but
 20 before 2010 I was going through my second divorce.
 21 I had money issues going on in the situation. I
 22 had division of the squad situation going on. I
 23 got into another issue where I was conned out of a
 24 lot of my money with individuals that I --

25 (Pages 313 to 316)

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1 actually was my close friends and I actually
2 brought them into a bad situation that I believed
3 it was something else but it wasn't and I lost
4 money, too, in that situation.

5 Q. Was that -- was that an issue
6 involving some housing?

7 A. Yes. It was -- the situation was I
8 had an old friend that was a police officer who
9 had a brother. He had a Comcast business that was
10 located somewhere on Oregon Avenue. I met him as
11 I was drinking. We got to get to know each other,
12 and I found out I was -- I was in my early years
13 with his brother.

14 So we got to talking and I was
15 in the -- I had a somewhat foot into real estate
16 also, and what he did -- he explained to me was he
17 had a number of properties and he wanted some
18 investors, did I know any investors that would
19 invest in him to fix his properties up and he
20 would take out a second mortgage on his
21 properties, and he mentioned -- made it very
22 convincing to me he had a number of properties.

23 So I went to close friends of
24 mines and said would you like to invest some

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1 Q. Did you have any falling out with Tom
2 Liciardello over who said -- who told you not to
3 get involved in this, who said you were stupid to
4 do this?

5 A. No, it was not -- that was none of
6 their personal business. Again, that's lies on
7 their part. I was on the outs. I was not sharing
8 my personal business with them. Then at the
9 endpoint, in fact, I was only involved with the
10 people that I was dealing with who gave me money
11 other than them.

12 Q. And was there another -- any other
13 scheme you were involved in, another Ponzi scheme,
14 or is that the --

15 A. First of all --

16 Q. -- same one?

17 A. -- you're saying a scheme. To me it
18 was a business deal. I don't get in schemes.
19 These were my friends. Okay? I'd rather steal
20 money from other people, drug dealers, before I
21 involve my friends, taking money from my
22 coworkers.

23 I was scammed out of my money,
24 and other people that were with me were scammed

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1 money, because once he took out the second
2 mortgage on these properties these people would
3 invest with him and make some -- a little bit of
4 money on top. The would have got their money back
5 and made a little bit of money on the top.

6 At the end of it I found out it
7 was nothing but a pyramid scheme, and I was
8 going -- and that was one of the main reasons I
9 was trying to get my coworkers' money back from
10 him, and some people got their money back, but in
11 the course of -- before I got arrested a few
12 others did not get their money back including me.
13 I didn't get money that I was invested with him.

14 Q. And when you were first involved in
15 this housing scheme, you talked about some people
16 that you had got involved in the investments.
17 Were any of them police officers?

18 A. Yes.

19 Q. Were any of them police officers in
20 any of the squads?

21 A. I believe no one in my squad. I mean,
22 it was Sergeant Gorman got involved in it. It was
23 another officer Sergeant Harding but he wasn't in
24 my squad at the time.

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1 also, because some -- some people did meet him.
2 Like Sergeant Gorman met him and he got his money
3 back. Because I made -- they would not give me
4 money unless they met him. Some people did not
5 meet him, they went on what I was saying, but some
6 people did meet him, like Sergeant Gorman met him.

7 And we're going into -- it got
8 as far as the owner of the Post Office Bar was
9 also scammed out of his money because of the fact
10 that he was told the exact same thing. He
11 invested maybe 10 or 20,000 of his own money
12 believing the exact same thing I was believing,
13 because this person was going around doing it not
14 just to me, he did it to another person that I was
15 friends with, and we compared stories and it
16 sounded very convincing, and at the end of the day
17 it was a big scam and I was not part of it, I was
18 a victim of that situation.

19 Q. But you had gotten other people
20 involved in it.

21 A. Yeah, as a business deal. It was not
22 a scam. To me -- a scam to me -- if I'm involved
23 in a scam, I know it as a scam. It was a business
24 deal. I was scammed. I was a victim along with

26 (Pages 317 to 320)

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1 the people that I got involved into a deal were
2 victims, too, because I never got my money back.
3 Certain people got their money back. Certain
4 people that I -- I was able to get their money
5 back through him they got their money back.

6 Q. We talked about your -- you mentioned
7 your depression. Are you currently under any
8 psychological counseling?

9 A. No, I'm fine. I'm free to bullshit.

10 Q. I mean, are you going to any
11 counseling therapist now?

12 A. I'm free to bullshit. I'm fine.

13 Q. All right. Is this what this is,
14 bullshit?

15 A. This whole situation I -- I chose to
16 put myself involved in prior to my arrest -- when
17 I was arrested that's the first time I was moving
18 in the right direction. I was so happy after a
19 while when I was arrested to get away from all
20 that shit I was putting myself through.

21 Q. Have you had any psychiatric treatment
22 while you were in prison?

23 A. I talked to counselors, and again, I
24 want to -- at the bottom I went to God for my

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1 had an issue I'd drink a beer and move on. We
2 were -- I was part of a whole group of people
3 drinking.

4 Q. Do you know --

5 A. I was --

6 Q. Do you know anybody else in your squad
7 that went to the Employee Assistance Program
8 because of drinking --

9 A. No, they didn't have the issues I had.

10 Q. -- because of your drinking problem?

11 A. No, they didn't have the issues like I
12 had because I had money issues. They had
13 issues -- their money issues were different from
14 mine because they was doing the majority of the
15 stealing. They didn't have money issues. I was
16 separated from the group and my money issues got
17 worse, not theirs.

18 Q. And are you saying that after the --
19 around the time of the summer of 2010 they no
20 longer trusted you?

21 A. After 2010?

22 Q. Yes.

23 A. I think they stopped trusting -- fully
24 trusting me was when the feds came around, when

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1 answers and I got them. I'm fine. I have no
2 stress.

3 Q. In the years 2006 to April 2011, were
4 you undergoing any counseling then?

5 A. 2011?

6 Q. 2006 to April 2011.

7 A. I think I went there -- again, I had
8 issues. Again, it was maybe marital issues that I
9 was going through.

10 Q. And who were you going to?

11 A. Who was I going to?

12 Q. Who were you seeing?

13 A. I don't know. I know I went to the
14 Employees Assistance and then from there they sent
15 me to a therapist. I went there to discuss -- it
16 was marital issues that I was going through.

17 Q. Did the therapist discuss at all your
18 drinking problem?

19 A. I told him I had problems with
20 drinking, but again, I was part of a group of
21 people that was drinking constantly over and over
22 again, so it was easy to be an alcoholic. It was
23 always drinking. It was -- my issues that I had,
24 it was easy for me to go to work, if at the time I

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1 the feds was questioning me about Thomas
2 Liciardello, and I wasn't communicating with these
3 guys about what the -- the conversation I was
4 having with the Federal Government. That's where
5 the serious mistrust came from, and the guns start
6 coming out and all the other crap came behind that
7 and I left the squad.

8 Q. Do you remember when it was you went
9 to -- when you spoke to the feds about that?

10 A. I didn't go to the feds, they came to
11 me.

12 Q. Okay. And when you went to them, did
13 you talk at all about --

14 A. Again, you said I went to them.

15 Q. Yeah.

16 A. They came to me. They came to me,
17 knocked on my door, discussing Thomas Liciardello.

18 Q. And did you talk to them at all about
19 the allegations that individuals were gambling,
20 that were going to SugarHouse on duty?

21 A. I was part of the group regardless of
22 what situation we had, and I was just as dirty as
23 they was, and I wasn't about to give these guys
24 up.

27 (Pages 321 to 324)

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1 Q. So you never mentioned that to anybody
2 from the FBI or Impact?
3 A. Well, later I did.
4 Q. Okay. I'm not talking about this --
5 A. -- when I was arrested.
6 Q. The first visit.
7 A. The first visit?
8 Q. Yes.
9 A. No, it was -- they were talking to me
10 about stealing, and I looked at them like they had
11 two heads. Tommy stealing? I don't know about
12 that. That was a clear enough lie, because I knew
13 I was stealing right along with them.
14 Q. And when was it you -- you talked to
15 them in March of 2011?
16 A. I don't know what -- you playing with
17 these years again. I don't know what year I
18 talked to them. I know I talked to them prior to
19 my arrest.
20 Q. Okay. So you're claiming at the time
21 you talked to them you were still stealing with
22 Tommy even though you were on the outs?
23 A. When I was talking to them? No, I
24 don't think I was stealing with Tommy at that

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1 party?
2 A. Yeah. He came to me, yes.
3 Q. And you had been drinking heavily at
4 that time?
5 A. I don't know about drinking heavily,
6 but I understood the conversation he was having
7 with me, and I know when I -- I have a -- my voice
8 carries when I'm talking with people, and someone
9 over -- I found out later someone overheard that
10 conversation, and they let Otto know and Otto
11 called me yelling at me about some craziness. I
12 looked at him. I said what are you talking about.
13 The question of the
14 conversation we had at the FOP was the U.S.
15 Attorney asking about misconduct from Thomas
16 Liciardello, and again, I was not being truly
17 honest with him in the situation. It was -- first
18 of all, I was wondering why is he talking to me
19 about Thomas Liciardello, but I know Thomas
20 Liciardello's activity was not quiet. People knew
21 exactly what we was doing. They knew what type of
22 issue we were in.
23 But I was very surprised at the
24 time of why was he coming to me with the -- with

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1 time.
2 Q. Was it Lieutenant Otto who told you to
3 go to EPA? EAP rather.
4 A. Yeah, he told me again that was -- the
5 feds was around, no one would trust me, and I
6 thought I had some other issues going on that I
7 may have been out of control and slipped up and
8 told some secrets that I had no business telling
9 because I remember having a conversation with Otto
10 and he thought that I was talking to the feds. He
11 said listen, you know you got to go through us
12 before you start talking to the Federal
13 Government, and I knew that was a lie.
14 Q. And do you know how the Federal
15 Government reached out to you in the first place?
16 A. That's a good question. I don't even
17 remember how that happened, but I know I was
18 talking to -- yeah, I was talking to an U.S.
19 Attorney, forgot his name, and he just asked me
20 some questions about Thomas Liciardello, and from
21 that point, the result of that conversation, the
22 Federal Government come knocking on my door.
23 Q. Was that -- do you remember where you
24 were talking about that? Was that at an FOP

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1 that type of conversation.
2 Q. At the FOP party, was it Curtis
3 Douglas you talked to?
4 A. There you go, Curtis Douglas.
5 Q. And when Ott called you, did Ott say
6 it was because that it had been said that you were
7 saying things about Lieutenant Ott at this party?
8 A. I don't -- I don't believe I was
9 saying anything about --
10 MR. KRASNER: Otto.
11 THE WITNESS: Otto.
12 BY MR. SANTARONE:
13 Q. Yeah, you don't --
14 A. I don't recall that --
15 Q. Did Lieutenant Otto say it was because
16 you were talking about him at the party?
17 A. First of all, I didn't talk about
18 Lieutenant Otto at the time. Lieutenant Otto
19 pulled my ass out of the fire a lot of times, so
20 me talking bad mouth about Lieutenant Otto, that
21 never happened.
22 Q. You talked about the financial
23 troubles that you were in. At the time of the
24 arrest in May of 2013, you had been out of the

28 (Pages 325 to 328)

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1 squad, the McCloskey squad, for two years?
 2 A. What, in May 2013?
 3 Q. At the time when you were arrested.
 4 A. Yes, I was out of the squad. I was
 5 with another squad.
 6 Q. And no one from your old squad was
 7 involved at all in that sting operation that the
 8 FBI had set up against you, correct?
 9 A. No.
 10 Q. Was anybody from your then current
 11 squad involved at all in that sting that was set
 12 up against you?
 13 A. My current squad? What do you mean?
 14 Q. The squad that you were in --
 15 A. No.
 16 Q. -- in May of 2013.
 17 A. No. I think -- I believe I was the
 18 target at the time in that squad.
 19 Q. You talked about in your grand jury
 20 testimony about drinking at a bar and a bartender
 21 named Heather. Do you remember talking about
 22 that?
 23 A. Yes.
 24 Q. And that you couldn't afford to even

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1 ain't got money.
 2 Q. What were you doing with the money?
 3 What were you doing with your salary, the money
 4 you allege you stole?
 5 A. I was paying bills. I'm sorry, I
 6 wasn't stealing the majority of time with them
 7 where I didn't have a problem with paying my bills
 8 when I was on the out and my money was short. I
 9 was out of the group, so I was stealing on my own
 10 at this point, and I wasn't stealing as
 11 successfully as I was with them. So I didn't have
 12 an issue of not paying a tab when I was with them,
 13 I had issues of not paying when I was not with
 14 them.
 15 Q. And what time frame are we talking
 16 about, then, with this issue with Heather?
 17 A. Well -- when what?
 18 Q. What time frame are you talking about
 19 when you couldn't afford to pay your bar tab on a
 20 Friday?
 21 A. With -- the time frame --
 22 MS. FUREY: I'm going to
 23 object. He said he would pay on Friday.
 24 MR. SANTARONE: No, until

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1 pay for your drinks and you had to wait until
 2 Friday to come back --
 3 A. Yeah. That -- again, I at times -- I
 4 was -- my -- it was called a -- it's called a tab,
 5 if you don't know. I had a tab with Heather, and
 6 if I did not have the money and Heather was a --
 7 it was a relationship with Heather. Listen Jeff,
 8 you know, you can drink and you pay me when you
 9 pay me, and when I paid her I tipped her.
 10 And it was -- it was a
 11 temporary situation I had with her, and she said
 12 no problem. Because I was a little short -- like
 13 say I was short \$20, I'd say I'm short. She was
 14 like all right, well -- I said, you know, when I
 15 get paid I'll pay you Friday, and then I'll pay
 16 her. I'll meet her. I say Heather, I'm back,
 17 here, here's \$20 and here's a tip on top of that
 18 for looking out for me.
 19 Q. I guess the question is if you're --
 20 you know, you're making a six figure salary,
 21 you're making overtime in court, and you allege
 22 you're stealing this money, how you cannot afford
 23 to pay a bar bill?
 24 A. Again, if I ain't got the money, I

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1 Friday.
 2 THE WITNESS: I would pay. No
 3 one -- I -- no one did not get paid if I was
 4 drinking. If I didn't pay that day I paid
 5 when I said I would pay and I paid the tab.
 6 BY MR. SANTARONE:
 7 Q. And I'm just asking what time
 8 frame was that that you couldn't pay --
 9 A. I don't know the time.
 10 Q. -- the tab.
 11 A. I mean, it's no time frame. I can't
 12 tell you if I walked into a bar within a year and
 13 when I didn't pay. If you asked me a question
 14 about that I'll tell you yes, I did, but I don't
 15 know have no time frame on that.
 16 You asking a question about did
 17 I not pay Heather on a particular day. No, I did
 18 not pay Heather, but I paid Heather on a Friday.
 19 The time frame, I can't give you that because I
 20 don't be --
 21 Q. Was it between 2006 and 2011?
 22 A. Yeah, you can be honest -- yeah, you
 23 can say that.
 24 Q. Okay.

29 (Pages 329 to 332)

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1 A. That could be any day, but yeah, you
2 can -- I can agree with that.
3 Q. In your -- in your grand injury
4 testimony, did you tell them that you didn't steal
5 at all until you got into narcotics?
6 A. Yes. I was going through -- yes, I
7 did, to answer the question, but I was in a lot of
8 denial in the situation because what was going on.
9 It took a lot for me to talk to these
10 investigators because a lot of things, it was --
11 that I didn't want to speak about. It was -- it
12 was a process for me to be truthful.
13 I was still telling them things
14 towards the end of the investigation that I had
15 forgotten. It was so much stuff that I was
16 involved in and so much stuff that I had to admit.
17 It was a process. Like I didn't tell them about
18 Norman at the beginning part, but eventually I had
19 to break and tell them. I had to be fully honest,
20 not partially honest, fully honest. Some things I
21 got back to my cell I had to write down because I
22 know I will forget when I was talking to these --
23 these agents, so for me to remember.
24 Q. But when you told them that you hadn't

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1 you're writing down things in your jail cell?
2 A. The choice was --
3 Q. And then you got four years, correct?
4 A. No, I didn't get four, I got three and
5 a half, but the choice was --
6 Q. Three and a half.
7 A. Are you going to let me answer the
8 question or are you going to --
9 Q. I'm just asking you.
10 A. -- overtalk me?
11 The choice was do the right
12 thing or do not do the right thing. That was the
13 choice. I've been doing the wrong thing prior to
14 my arrest. So the choice that I had again was are
15 you going to tip to do the wrong thing or are you
16 going to do the right thing. That's the choice
17 that I had, and I chose to do the right thing, and
18 it was a process that I had to go through.
19 Q. And because of your, quote, right
20 thing, your sentence was greatly reduced, correct?
21 A. It was a consideration was -- nothing
22 was guaranteed to me. You know what I mean? They
23 told me it could be lenient on my -- at the time
24 and it would be the judge's responsibility, not

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1 stolen until you got in narcotics, that was not
2 true. You were lying, right?
3 A. Yes, sir. I wasn't being truthful --
4 fully truthful for everybody but at the end it was
5 also -- I was being truthful as I could possibly
6 be over my memory of what I knew. It was a
7 process. It wasn't easy to tell the truth. It
8 was new to me when I got locked up because I did
9 so much lying. So it was a process that I had to
10 retrain myself to say listen, tell the truth, man,
11 tell the truth completely. Reveal everything that
12 you did. And it was a process, and I got it out
13 to the best of my ability.
14 Q. And because of your cooperation with
15 the FBI, you -- you were facing a life sentence,
16 right?
17 A. I was facing some time, but I knew
18 that I can spend the majority of my youth in jail.
19 It was -- it was -- I knew how the system is, and
20 I knew I had a choice. Like I had a choice prior
21 before this, but at some point in my life I wanted
22 to make the right choice.
23 Q. So your choice was life -- possible
24 life in imprisonment or you're going back and

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1 mine's, not the agents'. They couldn't promise me
2 anything. They just wanted me -- you had a
3 choice, do the right thing or do the wrong thing,
4 and nothing's guaranteed to you. So I didn't know
5 what I was going to get when I got sentenced.
6 Q. You talked about money not being
7 counted in a house, and then you talked about how
8 money was transported back, and you said that the
9 policy was changed to where a supervisor
10 transported evidence, correct?
11 A. Repeat that.
12 Q. You said that -- at one point you said
13 that evidence was carried back to headquarters by
14 Mr. Liciardello or Officer Liciardello or anyone
15 else --
16 A. Yes.
17 Q. -- but then you said that policy was
18 changed --
19 A. I'm going to stop you right there. No
20 policies changed. The policy is what it is.
21 Thomas Liciardello was known to
22 take money and transport it on his own. As it
23 went on and it got -- at one point, for whatever
24 reason at all -- whatever reason it was the

30 (Pages 333 to 336)

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1 supervisors started doing it, but at times --
2 periodic times Tommy would still be doing it by
3 himself, and it wasn't just Tommy and Perry Betts
4 also.

5 Q. Was -- do you know the time frame --
6 so it would be either McCloskey or Otto that was
7 transporting the evidence?

8 A. Again, it was no policy -- it's only
9 one policy. There's times when Tommy or Perry
10 Betts or Mike Spicer or whoever it was in the
11 squad will take money and transport it in the car
12 they were using, and then we had control of the
13 money. That's why we were stealing. It was
14 easier for us to steal the money.

15 At some point without -- for
16 whatever reason at all the supervisor started
17 taking it and bringing it in. But we were still
18 stealing before the supervisor got their hands on
19 it.

20 Q. And I guess what I'm asking is do you
21 know when that changed --

22 A. No, I don't know.

23 Q. -- the procedure?

24 A. I don't -- when you going -- it's

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1 talking about squads --

2 Q. The number of squads, you don't know?

3 A. You're talking about the Field Unit
4 squads. You can go from the net teams, with the
5 addition of the narc -- the narcotics --

6 Q. The Field Units?

7 A. Are you talking about the Field Units
8 or are you taking about district level?

9 Q. Field Unit.

10 A. How many squads in it? No, I don't
11 know to be exact.

12 Q. Okay. Where was your headquarters
13 when you were in narcotics?

14 A. We moved around a lot, so it was kind
15 of hard to determine -- for me to remember where
16 we were and what different years. We moved around
17 a lot. We moved from Essington Avenue, we moved
18 from Bridge Street, and we moved in G and Hunting
19 Park.

20 Q. Do you know where you were during the
21 time frame 2006 to April of 2011?

22 A. 2006 to April -- we moved around a few
23 times. You talking about '6 and '11, that's a
24 big -- that's some years in there.

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1 not -- yeah, if you're going to say our procedure,
2 but it's not policy. It's just one way or the
3 other -- I don't -- I can't tell you the reason of
4 why. I can't be exact on the reasons of why.

5 Q. Do you know if there was a written
6 policy as to how that evidence was supposed to be
7 transported?

8 A. I'm sure there's a written policy.
9 There's a policy with everything in the department
10 of everything that we do.

11 From my understanding of the
12 policy is the assigned investigator and the
13 supervisor is responsible for taking the money
14 inside headquarters, not someone other than the
15 assigned investigator and then throwing the money,
16 listen, I just confiscated \$5,000 and come out of
17 nowhere and he didn't even know we took it in the
18 house. That's not a policy, that's our policy.

19 Q. The narcotics squads, do you know how
20 many of them there were in the City?

21 A. No, man, it's impossible for me -- I
22 mean, I've been out of this job and I can't give
23 you an exact answer to that. I can give you the
24 structure of the Narcotics Field Unit, but you're

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1 Q. Okay.

2 A. So we may have moved from Southwest
3 Philly to G and Hunting Park to Bridge Street. So
4 that time we moved around a whole lot. When we
5 got separated because of our misconduct Brian
6 Reynolds went to North Philly and we went to
7 Northeast. That would be myself, Thomas
8 Liciardello and Chet McCloskey -- Chester
9 Malkowski.

10 Q. And what's the -- where was the
11 Arsenal?

12 A. The Arsenal was at Bridge Street.

13 Q. And was that one of the places --

14 A. That was one of my -- that was one of
15 my final spots before I was arrested.

16 Q. Okay. Do you know how long you were
17 at the Arsenal before you were arrested?

18 A. No, I can't be exact because we
19 were -- we were slipping back and forth from
20 G Street to the Arsenal.

21 Q. Okay. And was that particular
22 location -- was that shared by other -- any kind
23 of units or police officers besides just you?

24 A. Uniformed strike force was there also.

31 (Pages 337 to 340)

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1 We shared a building with them.

2 Q. Okay. And would they share a locker
3 room?

4 A. Yes.

5 I don't -- no, we -- yeah, we
6 might have shared a locker room. It was the same
7 building.

8 Q. Okay. In preparation for this
9 deposition today, we'll start first with just
10 Mr. Pileggi for now, how many times did you meet
11 with Mr. Pileggi?

12 A. Several times just because I reached
13 out to him. That was one of my courses of doing
14 the right thing, moving in the right direction and
15 cooperating, because I knew I had to deal with
16 these civil cases. I had his paperwork, his
17 lawsuits, and it had his office number on it, so
18 once I got out of jail I reached out to him and
19 told him I wanted to basically admit to my
20 actions, what was going on, and cooperate with
21 him.

22 So we met several times just
23 talking. It wasn't a whole lot. Just maybe once
24 or twice I met with him and he would ask me

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1 he came to my house because I couldn't leave the
2 house, I was under house arrest, and when the
3 times I could leave I had no transportation. So
4 it was convenient for him the times he did come to
5 see me he came by the house, and that was maybe
6 two to three times. Anything but that -- besides
7 that point we talked on phone.

8 Q. How long did the house arrest last
9 after March of 2016?

10 A. I stopped June the 9th.

11 Q. Of -- June -- so you were on house
12 arrest about three months or so?

13 A. Yes.

14 Q. And did you review documents with
15 Mr. Pileggi?

16 A. He showed me some documents because he
17 asked me questions about the particular jobs and I
18 asked to see the -- I demanded to see the
19 documents before -- I wouldn't admit to anything
20 until I saw it in front of me, and then I picked
21 out the mistakes within the documents that were
22 shown to me and I went from there.

23 Q. But you went over the Torain case
24 then, right?

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1 some -- some jobs that I had with them and I
2 admitted to the jobs. That's basically what we
3 discussed.

4 Q. So I'm just confused. I thought you
5 said you met several times and then you said --

6 A. Well --

7 Q. -- once or twice. How many times did
8 you meet?

9 A. No. We met maybe twice. Twice --
10 yeah, about twice. I can remember twice.

11 Q. And you --

12 A. About two or three times. I would
13 say -- not a whole lot, but just sporadically we
14 met.

15 Q. At his office?

16 A. No, I never went to his office. He
17 came -- I asked him -- I said listen, I can't move
18 around a lot, can you come to my house and he said
19 no, I can't really -- I mean, I'll come to your
20 house. At the most maybe two or three times he
21 may have came to the house. Then I'll talk to him
22 on the phone and -- when he couldn't come by out
23 of the times.

24 Because -- the only reason why

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1 A. He showed me documents of the Torain
2 case, but I -- first I just -- you know, he asked
3 me about the Torain case and I told him things
4 that I remembered in the Torain case. Then he
5 showed me documents and I said I don't remember
6 that, I was no part of that, but I remember I was
7 part of this and this happened.

8 Q. And he was asking you about something
9 that happened 16 years ago, correct?

10 A. Some cases I remember. I mean, this
11 is how my memory is. I think when I was talking
12 to the Federal Government they were amazed at my
13 memory in, how my memory was and a lot of detail
14 in a lot of things that were going on.

15 Q. Did the Federal Government provide you
16 with documents to look at also?

17 A. Yes, they provided me a lot of
18 documents, and again, some documents I put to the
19 side and I said that job was done right, there was
20 no issue with this job, this was a good job, we
21 had issues with -- we had issues with this job, we
22 had issues with this job. So it was like picking
23 the ones out that I could remember.

24 Q. The Torain case -- there were

32 (Pages 341 to 344)

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1 documents marked the other day including Walker-6.

2 ---

3 (Whereupon, a discussion was
4 held off the record.)

5 ---

6 BY MR. SANTARONE:

7 Q. In this case -- this is primarily --
8 this is Officer Monaghan's job?

9 A. Yes.

10 Q. And how did you work -- how were you
11 working with Officer Monaghan?

12 A. He was part of the squad I was in.

13 MR. KRASNER: Mr. Santarone,

14 I'm sorry to interrupt. It is 1:00 now.

15 MR. SANTARONE: Oh, sure.

16 MR. KRASNER: Since we are
17 ending at 3:30, can we do a 45 minute lunch
18 now?

19 MR. SANTARONE: Absolutely.

20 ---

21 (Whereupon, a luncheon recess
22 was taken, after which time the deposition
23 resumed.)

24 (Whereupon, Judge Diamond

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1 that issue was the following:

2 While the whole group of them
3 went and sat at a location that was on the
4 opposite side of the restaurant, Michael
5 Spicer, Sergeant Spicer in the white shirt,
6 walked away from them, came alone and went
7 by several -- I shouldn't say several, he
8 went by at least two or three empty tables
9 that were there and sat immediately next
10 to -- when I say next to, sat at the table
11 closest to where Mr. Walker was.

12 I, frankly, saw it. I was
13 facing it, and I took it as being
14 intimidating behavior, and Mr. Walker, who
15 is his own counsel, said to me that he would
16 like some kind of a protective order, and
17 perhaps he should go to 34 South 11th to try
18 to get some kind of protective order.

19 At that point I said look, if
20 you want me to convey that to the Court I
21 will do so. I did, by the way, take a
22 photograph from my position so that if the
23 Court cares to see it you can see how close
24 Mr. Spicer was. You can see that there was

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1 entered the courtroom.)

2 ---

3 MR. KRASNER: Your Honor,
4 the -- I and Mr. Popper and some of the
5 other plaintiffs' counsel just returned from
6 lunch. When we went to lunch, we went to
7 the lunch in the company of Jeffrey Walker.
8 We did this essentially because Mr. Walker
9 has expressed, and is his own counsel, on a
10 number of occasions that he was concerned
11 about his safety and he was concerned about
12 being intimidated, and in fact, that was the
13 reason why he asked the depositions be
14 conducted here.

15 When we left, we all went to
16 Pagano's, which, as the Court knows, is a
17 rather familiar watering hole for lunch in
18 the federal system, and the plaintiffs'
19 attorneys essentially sat together at one
20 end of the restaurant. We noted after we
21 arrived that the defense attorneys and the
22 defendants in particular went to the same
23 place, and there was really no issue with
24 anyone except for one of the defendants, and

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1 no particular reason why tables that were
2 empty behind the spot where he was sitting
3 could not have been used, and I do think it
4 presents an ongoing issue in a case where,
5 for example, Thomas Liciardello was actually
6 denied bail based upon allegations of
7 intimidating witnesses in a criminal matter.

8 So I do think it's a matter of
9 some significance, and I believe that it
10 would be Mr. Walker's request that there
11 would be some sort of specific protective
12 order aiming at preventing any sort of
13 proximity that might be intimidating.

14 JUDGE DIAMOND: Mr. Santarone?

15 MR. SANTARONE: I wasn't there.

16 I stayed in this room the entire time. This
17 is the first I'm hearing about it.

18 JUDGE DIAMOND: Do you want to
19 speak to your clients before you address me.

20 MR. SANTARONE: Oh, okay. I

21 mean, I will tell you that I will do
22 whatever you say. I will tell them -- I
23 will instruct them to stay -- not to sit
24 near him. I will instruct them not to look

33 (Pages 345 to 348)

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1 at him. I'll instruct them --

2 JUDGE DIAMOND: You need to
3 instruct them that if I think a witness in a
4 Federal proceeding is being interfered with
5 I will refer it to the appropriate law
6 enforcement agency. Please. And so
7 instruct them. Tell them to stay away from
8 the witnesses in this case. Can I be
9 clearer than that, sir?

10 MR. SANTARONE: No, Your Honor.

11 JUDGE DIAMOND: Thank you.

12 ---

13 (Whereupon, Judge Diamond left
14 the courtroom.)

15 ---

16 BY MR. SANTARONE:

17 Q. Mr. Walker, did you ever speak to the
18 FBI about the Torain case?

19 A. No.

20 Q. And you didn't testify --

21 A. But -- I take that back. I don't
22 recall if I spoke to them about that. We spoke
23 about a lot of things, a lot of jobs, but when I
24 was talking to Michael Pileggi and he asked me

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1 the case briefly, and I added more to what I did,
2 because I have a good memory of remembering
3 things, especially in most cases that I've done
4 things, about that case.

5 I told him, and then when he
6 came to my home, because I instructed him to come
7 to my house because I could not leave, and he
8 showed me the Torain case, the basic paperwork and
9 the property receipt, and I looked at stuff and I
10 basically pointed out what was wrong in the cases
11 that I was -- participated in.

12 Q. So at some point after March 2016, is
13 that the first time you thought of the Torain
14 case?

15 A. I thought about it a whole lot,
16 Counselor. Again, I don't know --

17 Q. When did you --

18 A. Can I finish answering the question?

19 Q. I'm just asking when you thought about
20 it.

21 A. I thought about it a lot after I was
22 arrested. I had plenty of time. Again, I can't
23 recall if I remember I discussed it with the
24 Federal Government because a lot of cases we went

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1 about a Torain case, it refreshed my recollection.
2 I knew it by him -- just having the discussion
3 that I had with him, and I remember before seeing
4 the paperwork specific things that I remember
5 about the case that I had done misappropriately.

6 Q. Okay. But to your -- to your
7 recollection, and I think the record would show,
8 you didn't talk to the FBI about the Torain case.

9 A. I'm telling you I don't recall if I
10 did or did not.

11 Q. And the Torain case was never brought
12 up in the criminal trial where you testified for
13 three days, correct?

14 A. I don't believe it was, no.

15 Q. So the first time that the Torain case
16 came to your mind was after you spoke with
17 Mr. Pileggi 16 years after these incidents? Is
18 that the first time you thought about the Torain
19 case, was 16 years after --

20 A. No, when I would be -- when he -- I
21 reached out to Mr. Pileggi and he -- and we had a
22 discussion. I said listen -- I discussed with him
23 what I was trying to accomplish, and he says okay,
24 do you remember this case and the specifics about

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1 over, a lot of cases involving the group that I
2 was with, and -- but I know when I got out of
3 prison, reached out to Michael Pileggi.

4 Like I said, before I told him
5 what I was -- wanted to accomplish and I had --
6 his return conversation with me, listen, I have a
7 case that you were involved in, do you remember
8 it, and he said the name and I said yeah, I
9 remember that job. I remember what I did wrong.

10 Then I said well, listen -- I
11 gave him the option, it was never him telling me,
12 listen, I need for you to come see me, come see my
13 house, because I cannot leave the house, I don't
14 feel safe leaving the house. At the time I was
15 talking to him I couldn't leave the house anyway,
16 but when I could I told him -- I said I don't feel
17 safe leaving the house. He said okay, I'll come
18 by, and before he said okay for me to come by, and
19 I said yeah, come by, and -- and he showed me the
20 case and I pointed out things within this
21 investigation that I done.

22 Q. And you thought about it before 2016
23 but you don't remember that you raised it with the
24 FBI as a case that you were talking about.

34 (Pages 349 to 352)

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1 A. I discussed a lot of things with the
2 FBI. Okay? And I could have discussed the Torain
3 case with the FBI but I don't remember exactly in
4 detail, but I know when someone brings something
5 to my attention regardless if it's then or now, if
6 I remember it's part of me being very truthful --
7 truth-worthy, I'm going to remember it and I'm
8 going to tell you what I know about the case.
9 Q. The -- in the time that you were in
10 narcotics, how many cases do you think you were
11 involved in? Hundreds? Thousands?
12 A. Hundreds.
13 Q. And this wasn't your case, right, this
14 was --
15 A. No, I was part of that case but I
16 wasn't the assigned on that case.
17 Q. Looking at I think what was marked as
18 6, it's the investigative report, do you have that
19 in front of you?
20 A. Yeah, it's the 75-49.
21 Q. Look at page four.
22 A. Yes.
23 Q. If you look at that, if you look at
24 the second full paragraph it talks about a search

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1 Q. Okay.
2 A. I'm being honest who I stole with.
3 Q. You never saw him doing it?
4 A. No.
5 Q. Do you know if he had any --
6 A. But I -- go ahead.
7 Q. What?
8 A. Go ahead. That's okay.
9 Q. Do you know if he had any prior
10 dealings with Kareem Torain before this particular
11 job?
12 A. Not that I know of.
13 Q. Did you have any prior dealings with
14 Kareem --
15 A. No.
16 Q. -- Torain before this particular job?
17 A. No.
18 Q. Officer Monaghan directed that you
19 follow the Bonneville, correct?
20 A. I don't know who directed, but I was
21 participating in the investigation, so I would
22 agree with you, yes --
23 Q. Okay.
24 A. -- follow the Bonneville and see where

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1 warrant that was executed on January 4th. Do
2 you see that?
3 A. Yes.
4 Q. And it says 2000. Do you see that?
5 A. The second?
6 Q. It says 1/4/2000?
7 A. Yes. That's a typo because it was
8 2001, but go ahead.
9 Q. That's a typo, right?
10 A. Yes.
11 Q. And if you go down to -- a couple of
12 paragraphs it says 1/5/2000. It talks about the
13 execution of another search warrant. They're
14 different locations, correct?
15 A. Yes.
16 Q. And on the search -- the 1/5 on the
17 report it talks about what was recovered from 1628
18 North 55th Street, correct?
19 A. Yes.
20 Q. You said that Officer Monaghan -- I
21 think you said Officer Monaghan never stole
22 anything?
23 A. Not in my presence. That don't mean
24 he hasn't stole anything.

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1 it's going.
2 Q. Did Officer Monaghan direct that you
3 arrest Kareem Torain?
4 A. No, he did not.
5 Q. And who made that decision?
6 A. I don't know who made the decision. I
7 know he was stopped. I was not there, so I can't
8 tell you who made that decision.
9 Q. Okay.
10 A. I was sitting on the location -- the
11 55th Street address, 1628. Never left.
12 Q. So the details about what happened at
13 that stop or what information Officer Monaghan may
14 have had when he directed the Bonneville be
15 stopped, you don't have any of that information,
16 right?
17 A. The information that I had I gave to
18 Monaghan, and again, the information that he was
19 leaving, the articulation didn't come in until
20 after he got there and he was securing the
21 location after the stop, and that's when the lie
22 came up with the light and the males exiting the
23 location and one seen with the golf ball size
24 object in their hand placing it in their jacket

35 (Pages 353 to 356)

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1 pocket as they're walking out the door.

2 Q. The seeing somebody walk out with a
3 golf ball size object, did that never happen or
4 that did happen?

5 A. No, that's one of the lies we use all
6 the time.

7 Q. Do you have a specific recollection of
8 getting out of the car at that apartment house
9 when Mr. Torain went into it, to walk along the
10 side of the building?

11 A. Walk alongside of the building? No, I
12 have no recollection of that. I know I walked
13 alongside the building when we was orchestrating
14 the lie to make sure when they were in the
15 apartment that I could see the apartment from the
16 street.

17 Q. Okay.

18 A. You can't just say you see a light
19 come on and you found out later where you see a
20 light come on it's impossible for you to see it
21 from the street. So I can remember walking
22 alongside with Monaghan and the other officers to
23 orchestrate the lie that we was used to make sure
24 it was more believable for me to see a light that

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1 where the golf ball size object what I believe to
2 be narcotics come from.

3 Q. Do you know why Officer Monaghan
4 directed that Kareem Torain be stopped?

5 A. I don't -- I can't -- I can't be in an
6 officer's mind other than -- I'm not the assigned
7 investigator.

8 When Monaghan was with Police
9 Sergeant Kelly they went back to the location, and
10 you talk about stealing, I have stole with Police
11 Officer Kelly and the point of this is when
12 Monaghan went back to that location with Police
13 Officer Kelly, we're doing an operation, and
14 within an operation we know it was -- it's money
15 involved.

16 So from -- since we were going
17 to steal it, for me on the outside looking even
18 though I did not go into the house at the time
19 they went in there, that something was going to be
20 taken or something was going to go on that was not
21 right. I believe that.

22 And that's where the lie came
23 across of listen, we need to connect these dots
24 because we are in this house and from the street,

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1 come on 3:30 in the afternoon.

2 Q. Do you remember walking along the side
3 of that building, whether you did or not 16 years
4 ago, walked along that side of that building
5 before you walked along with Monaghan and showed
6 him --

7 A. I don't think I did.

8 Q. -- where the apartment was?

9 A. I showed him -- he knew where the
10 apartment was because he came to the location
11 because the information was going back and forth
12 for where they went, where Mr. Torain went. When
13 it came to secure the location, they accessed
14 inside the location and they -- from being inside
15 the location they found out what the apartment
16 was, and then me and him had a discussion of
17 fabricating how I knew -- he knew this was the
18 apartment.

19 So that's when I got -- I
20 remember getting out, looking at the window where
21 I could be parked at to see this light come on,
22 and then after that part came in I said okay, we
23 got that part together, let's get into the part
24 where we believe there's drugs in here. That's

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1 okay, you can see the light come on. All right,
2 that's good, now what's next. Well, you need to
3 see some type of drug activity coming from this
4 location.

5 Q. The -- so you don't know -- you
6 weren't involved -- you don't know what was found
7 in the house, or you don't know that anything was
8 stolen from the house, correct, this is your
9 speculation?

10 A. Yes. Yes.

11 Q. And you don't know what Monaghan might
12 have known that led him to have Kareem Torain
13 arrested when he was pulled over, correct?

14 A. I don't know what he may have had, but
15 I believe if he -- if he stopped him for something
16 of drugs that gave him probable cause to go in the
17 house, my assumptions was, you asking my opinion,
18 that's why at the time I believe he went back to
19 the house and went in the house, because I was not
20 there when he got stopped. You know what I mean?

21 So my belief was he must have
22 something because he went back to the location and
23 found out where he came from, and that's where the
24 lie came in, the part where, listen, I need for to

36 (Pages 357 to 360)

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1 say I seen the light come on and this guy came out
2 with drugs.
3 Q. Did you ever discuss with Monaghan,
4 hey, why do you -- why do you want to arrest this
5 guy?
6 A. Listen, we were stealing. I don't ask
7 nobody how they do their investigations.
8 Q. You didn't steal anything on this job,
9 though --
10 A. No.
11 Q. -- right?
12 A. No. If somebody going wrong --
13 talking about corrupt cops you got to understand
14 this, if something wrong you ain't questioning
15 that.
16 Q. Do you know whether Monaghan -- you
17 don't know whether Monaghan had some kind of
18 personal issue with Torain?
19 A. I know Monaghan -- well, a personal
20 issue with Torain? No, I don't know that part.
21 Q. Okay. The -- if you look at the PARS
22 report -- do you see that? Do you have that
23 marked as an exhibit?
24 A. No, I don't have PARS, I got the

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1 Q. And it says Monaghan and Kelly set up
2 surveillance in the area of 5600 West Master
3 Street. Were you involved in that surveillance?
4 A. No.
5 Q. The first mention of you in that -- in
6 this is on the -- page three of the PARS. It
7 talks about a stop that you had made and Hodge was
8 placed under arrest. Do you see in the middle of
9 it?
10 A. This is all bunched up. What are you
11 talking about?
12 Q. Just about the middle if you look it
13 says -- starts out with Reynolds and then PO
14 Walker.
15 A. Can you do the approximate? I can --
16 if you narrow it down.
17 Q. I'm sorry, what?
18 A. Do the approximate time on it. It
19 got -- it says approximate time -- it would say
20 approximate time officers did whatever.
21 Q. Yeah. The approximate time I think is
22 3:17 if you go up. It's in that paragraph.
23 MS. FUREY: We should all have
24 copies.

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1 75-49.
2 Q. Okay. This is NFU 5401 to 5422.
3 MR. SANTARONE: Do you want to
4 mark that whatever the next one is.
5 ---
6 (Philadelphia Police Department
7 Arrest Report marked Plaintiff's Exhibit
8 Walker-7 for identification purposes.)
9 ---
10 BY MR. SANTARONE:
11 Q. If you look at the top of it, it talks
12 about Police Officer Monaghan received detailed
13 information from a confidential source and 19th
14 District Officers P/O Ronald Cain and Joseph
15 Goglielmucci --
16 A. Goglielmucci.
17 Q. Were you involved in that at all?
18 A. No. I could have been in that -- I
19 could have been there but no. I know where it --
20 I remember where the information came from. It
21 came from someone Goglielmucci arrested. That
22 would probably be the source, and he's giving him
23 stuff that was going on, and Monaghan wants to be
24 an investigator in that.

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1 THE WITNESS: Yeah, I see it,
2 it's 3:17.
3 BY MR. SANTARONE:
4 Q. What is that stop? What do you --
5 what's that refer to?
6 A. I don't know. You got me at 3:17.
7 Q. Well, go down to where it says PO
8 Reynolds and Walker. Do you see that? Do you
9 want me to show it to you?
10 A. Yeah, show it to me.
11 Q. Okay. We're on 3, right?
12 A. Uh-huh, right here. You're up here.
13 17. 3:17.
14 Q. See this right here?
15 A. Uh-huh.
16 Q. Okay. Do you see where I've indicated
17 it talks about your involvement? I think that's
18 the first time you're listed on this PARS report.
19 A. Yes.
20 Q. What's occurring there?
21 A. Somebody getting arrested.
22 Q. Okay. And how was it that you were
23 involved in that arrest, do you remember?
24 A. Probably information given from the

37 (Pages 361 to 364)

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1 assigned to stop him, because I know these
2 individuals -- I can remember these individuals
3 were stopped prior to doing the warrant.

4 Q. And who gave you the information to
5 stop them?

6 A. Could have been Kelly, could have been
7 Monaghan, I don't know exactly who.

8 Q. Okay.

9 A. Because whoever was doing the
10 surveillance is seeing them, following them,
11 stopping them.

12 Q. Under that it says -- if you go down
13 to the end of that paragraph it says PO Monaghan
14 tried one of the keys from Torain's ring in the
15 lock at apartment two and he opened the lock.

16 MS. FUREY: I have an
17 objection. None of us have copies of what
18 you're -- what you're reading, and usual and
19 customary is that you bring copies for the
20 other attorneys, which you don't seem to
21 have.

22 MR. SANTARONE: I know. Look,
23 Mr. Pileggi should be most concerned about
24 it.

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1 there --

2 Q. Okay.

3 A. -- so I can't confirm that.

4 Q. It says the owner stated that no one
5 had rented the apartment, no one had permission to
6 be inside. The apartment was secured pending
7 search and seizure. Were you there when that
8 discussion was held or where anybody talked to the
9 owner of the apartment?

10 A. I was not there during that
11 discussion. Again, if I can refer back to the
12 report, his name was not mentioned. It was a
13 description of a black male was named, and
14 that's -- the owner made that statement.

15 But again, why would you give a
16 description of someone if you have the person's
17 name already? He could have easily come in the door
18 and said listen, do you know Kareem Torain living
19 at this location. He's the owner and he knows
20 who's in and out there, or at least know them by
21 face --

22 Q. I guess my question is --

23 A. -- or face.

24 No.

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1 MS. FUREY: I know, but it's
2 still nice to -- you're asking questions
3 about something and I don't have a copy of
4 it.

5 THE WITNESS: Where are you at
6 with this?

7 BY MR. SANTARONE:

8 Q. Do you see where I am?

9 A. No.

10 Q. Okay.

11 A. Come and show me. It will be good,
12 you stay here with me.

13 Q. This one?

14 A. Yeah, I got you.

15 Q. Do you know where Monaghan had gotten
16 the keys from Kareem's key ring? Do you know how
17 he secured that?

18 A. I believe he was stopped and he came
19 to the location with keys.

20 Q. Okay.

21 A. Where he got them from, again, I was
22 not there. I can't tell you where -- exactly
23 where he got them from besides if it's missing in
24 his report, but my observations, I was not

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1 Q. Okay. Do you know whether the key
2 that --

3 A. I don't know.

4 Q. -- Officer Monaghan got from Torain's
5 key ring opened the door to this apartment?

6 A. First of all, I don't know where the
7 keys came from.

8 Q. Okay.

9 A. I wasn't there during the stop, so I
10 can't answer that question if I was not there --

11 Q. Okay.

12 A. -- how he came in with keys, and he
13 was inside the property and then he came back and
14 then we had that discussion.

15 Q. Okay. So what's in here about the
16 key -- where that key came from, that Torain had a
17 key that opened this apartment and that the owner
18 said no one had rented it and no one had
19 permission to be inside, you don't know anything
20 about that.

21 A. I don't know nothing about that.

22 Q. Okay. And Torain was charged with
23 some weapon offense also? Are you familiar with
24 that?

38 (Pages 365 to 368)

Page 369

- 1 A. Know nothing about that.
- 2 Q. Do you know whether or not that
- 3 happened?
- 4 A. Know nothing about that.
- 5 Q. You don't remember that he was charged
- 6 with a weapons offense?
- 7 A. I know nothing about that. I'm not
- 8 the assigned investigator. Everything rests on
- 9 the assigned investigator. He's aware of all the
- 10 charges or anything. That's his responsibility.
- 11 Q. Okay.
- 12 A. My responsibility is to tell him what
- 13 happened. He puts that in the report.
- 14 Q. You talked about an individual that
- 15 had to go to the hospital and the person had been
- 16 involved in an accident where he ran into a pole?
- 17 A. No. We made -- the Police Officer
- 18 Liciardello caused the accident.
- 19 Q. Was there damage to the vehicle that
- 20 the individual was in?
- 21 A. Yeah, smashed the whole front of the
- 22 car at a -- in an electrical pole.
- 23 Q. There -- are -- have there been times
- 24 in your job where force was required to apprehend

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- 1 a suspect and the suspect ended up going to the
- 2 hospital, where it was -- you were justified in
- 3 the use of force?
- 4 MR. KRASNER: Objection to the
- 5 form of question. It's compound.
- 6 BY MR. SANTARONE:
- 7 Q. Were there times that you had to use
- 8 force that was justified to make an arrest?
- 9 A. Yes.
- 10 Q. And as a result of that the person
- 11 needed medical attention?
- 12 A. All depends on the situation.
- 13 Q. Are you able to say how many times
- 14 that somebody went to the hospital that you
- 15 arrested when your use of force wasn't justified?
- 16 A. Countless. I can't remember.
- 17 Q. Do you remember any --
- 18 A. That was our normal for putting hands
- 19 on people when I feel I had to or --
- 20 Q. Do you remember the names of anybody?
- 21 A. Not off -- no. If you showed me you
- 22 have someone I can say yes, I did or yes, I
- 23 didn't.
- 24 Q. But right now you can't name anyone.

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- 1 A. No.
- 2 Q. You talked about the relationship that
- 3 you had with Internal Affairs, and that you would
- 4 call over there -- you said you called over there
- 5 many times and they would tell you hey, this is
- 6 what the investigation's about so that people
- 7 could start preparing their stories?
- 8 A. Yes.
- 9 Q. Who at Internal Affairs gave you this
- 10 information?
- 11 A. When you asking me something about
- 12 names, I'm just talking about what I've done. If
- 13 you want to look at the assigned investigator's
- 14 name who is handling the job, and I actually
- 15 called there and asked for the assigned
- 16 investigator -- well, whoever name is on there I
- 17 know he's the assigned investigator, and he has
- 18 reviewed the job and it's his job and I call and
- 19 discuss him -- he freely gives me information
- 20 about the job.
- 21 So if you want to find out who
- 22 that is, any job I have with a complaint, the
- 23 assigned investigator's assigned to the job and I
- 24 don't talk to no one but the assigned

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- 1 investigator.
- 2 Q. Right, and I'm asking you is -- give
- 3 me the name of the assigned investigator. You
- 4 said you called them --
- 5 A. I can't remember.
- 6 Q. -- that many times.
- 7 A. I can't remember. I moved them
- 8 multiple times and --
- 9 Q. Give me anybody's name, then.
- 10 A. I have no one's name.
- 11 Q. You have no name of these people that
- 12 you called multiple times at --
- 13 A. No. Look at the --
- 14 Q. -- Internal Affairs?
- 15 A. If you give me the report and I can
- 16 remember the job and see the assigned
- 17 investigator's name on there I can tell you that's
- 18 the guy I talked to.
- 19 Q. Okay. But today you can't tell me one
- 20 name.
- 21 A. No.
- 22 You realize I can't even
- 23 remember half the people's name in my squad and
- 24 you're talking about an assigned investigator on

39 (Pages 369 to 372)

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1 the jobs I've done way prior to my arrest. I
 2 can't remember my sergeant's first name half the
 3 time, and you're asking me about an assigned
 4 investigator? Come on.
 5 Q. Well, then, this is somewhat -- talk
 6 about your memory. Your memory's not good, then.
 7 A. My memory's good on certain events and
 8 it's keyed by actions that sticks out in my mind.
 9 Like, again, we talk about the time where me,
 10 Thomas Liciardello, Brian Reynolds beat a guy and
 11 Tommy rammed the guy's car into a telephone
 12 pole -- not a telephone pole, it was a -- it could
 13 have been a telephone pole, and these events will
 14 spark my memory of exactly the course of the
 15 events that happened.
 16 It takes certain things to
 17 spark my memory. You know what I mean? So it all
 18 depends on what the conversation is and the person
 19 name. It could be the location. It could be
 20 anything could spark my memory but, you know, I'm
 21 not perfect, you know what I mean, on certain
 22 names. I'm more of events and -- events and the
 23 situation.
 24 Q. Has talking to the attorneys in this

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1 if I don't remember the job know I did something
 2 wrong.
 3 Q. After April 11th, 2011 you no
 4 longer -- you moved to another squad. We've
 5 established that, correct?
 6 A. Repeat that.
 7 Q. After April of 2011 you moved to
 8 another squad or -- you moved to another squad?
 9 A. I chose another squad because of
 10 situations, yes.
 11 Q. Okay. Did you have any cases that you
 12 worked on after that date with any of the officers
 13 involved in this case?
 14 A. I don't know if I did or didn't.
 15 Q. Okay.
 16 A. I may have been -- I don't know if I
 17 did or didn't. New investigations or no?
 18 Q. Well, after April -- I guess what I'm
 19 looking for is after April of 2011 what contact
 20 and jobs did you work on with Officer Liciardello,
 21 Spicer, Speiser, Norman, Betts or --
 22 A. Well, Norman ain't doing no jobs. I
 23 can tell you that.
 24 Q. Okay.

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1 case sparked your memory about certain cases?
 2 A. The only thing they -- if I ever
 3 talked to an attorney, if they showed me something
 4 and I remember it's cases they have shown me I
 5 don't remember. I don't know nothing about it.
 6 Only thing -- that's when dealing with CIs. You
 7 might show me a case with -- about a situation
 8 that I may have done something or may have not and
 9 I'm going to give you an honest answer. Do you
 10 know what I mean?
 11 All depends on what I'm
 12 reading. I can go on procedure. Procedure is --
 13 okay. If you give me a location by the house I
 14 can say okay, at that location I probably was
 15 acting on information given to me by the CI. I
 16 mean, it's impossible for me to see how I wrote
 17 that up and give an honest answer that I could see
 18 the person come into the door. You know what I
 19 mean?
 20 But the CI comes back at me and
 21 told me listen, I sold it to a female -- I mean
 22 it's a female I bought drugs from -- I bought
 23 drugs from a female, and I didn't see that. I'm
 24 acting on information. Just situations that I see

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1 A. So put him out of the way.
 2 Q. Okay.
 3 A. Tommy Liciardello, I wasn't allowed in
 4 any of their jobs because it was isolated. They
 5 isolated me. They didn't want me in no parts of
 6 what was going on. I was on -- sorry. I was on
 7 the outs. So I was doing jobs and they were part
 8 of my jobs.
 9 Q. Okay. And first let's start with you
 10 didn't work on any of their jobs. What specific
 11 jobs did you have that they were part of, then,
 12 after April of 2011?
 13 A. After? I don't think there was any,
 14 but if I can understand the question more clearly,
 15 nothing that I was working on that they was part
 16 of.
 17 Q. Okay.
 18 A. But -- go ahead.
 19 Q. Were you involved in any of their jobs
 20 that were going on after April of 2011 for the
 21 individuals that I named?
 22 A. I don't know. You're saying April and
 23 I can say 2011.
 24 Q. Well, and you --

40 (Pages 373 to 376)

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1 A. I mean, you're narrowing it down to
2 months. I can say 2011 I know I was in a
3 situation where they said I allegedly made a buy,
4 which was a total lie. So I didn't -- that could
5 have been 2011. That was close for me getting out
6 of there.

7 Q. Okay. And the reason I'm using
8 April 2011 is because that's the date you've
9 testified to at the criminal trial at the grand
10 jury as when you left that unit, that squad.

11 A. Okay.

12 Q. Okay? That's why I'm using that date.

13 A. Oh, okay.

14 Q. So -- and just to make sure we're
15 clear, after April of 2011, you had no involvement
16 in any of the jobs that that squad, your former
17 squad, was working?

18 A. I don't believe so, no.

19 Q. And they had no involvement in any of
20 your jobs.

21 A. I don't believe so, no. Once I left
22 the squad I don't believe they had any involvement
23 with me or any of my jobs.

24 Q. The lawsuit that was referred to by

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1 Q. Okay. But they weren't involved in
2 going to people's houses or doing work out in the
3 street.

4 A. They couldn't do that.

5 Q. Okay. Do you remember roughly when
6 that was?

7 A. A little after 2001.

8 Q. Where was your --

9 A. During the lawsuits.

10 Q. Where was your headquarters or your
11 locker room, or where were you stationed out of at
12 the time that was going on?

13 A. Essington Avenue.

14 Q. Essington Avenue?

15 A. Yes.

16 Q. The lawsuit that you -- that was
17 brought against Mr. Pileggi, that ended up -- it
18 was settled on behalf of Mr. Pileggi, correct?

19 A. I don't know how -- what the
20 disposition of it. I know how it began.

21 Against Mr. Pileggi?

22 Q. Yes.

23 A. Yeah, that was a result of what he
24 done to us.

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1 Mr. Pileggi that was filed -- he had filed a
2 series of lawsuits and it said you said -- you
3 said you were taken off the street for an entire
4 year?

5 A. Not me. They were.

6 Q. Who was?

7 A. Thomas Liciardello and Brian Reynolds.

8 Q. Okay.

9 A. They were infuriated about that.

10 Q. Were you involved with them at all
11 during that year that they were off the street?

12 A. What do you mean involvement? We're
13 in the same squad.

14 Q. Were they working cases?

15 A. They were going to court. They were
16 off the street.

17 Q. Okay.

18 A. They couldn't lock anybody up.

19 Q. Okay.

20 A. We were still going to court for
21 cases.

22 Q. So what would they -- what did they
23 do, spend the entire day in the office or --

24 A. Yes, all going out drinking, whatever.

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1 Q. And it settled, that case.

2 A. I don't know -- I believe -- yeah, I
3 think I got money out of that.

4 Q. Yeah, you got a little money out of
5 it.

6 A. A little bit of the money.

7 Q. The individuals that he had been
8 bringing cases against maybe -- against you -- the
9 civil lawsuits --

10 A. Uh-huh.

11 Q. -- were those individuals all drug
12 dealers?

13 A. They were drug dealers. We were doing
14 them wrong. That's why I'm here now. It was on
15 my belief. They were drug dealers.

16 Q. The allegation regarding John Speiser
17 pulling a gun on you or pointing a gun at you --

18 A. Pointed it at me.

19 Q. -- where did that happen?

20 A. When we were working.

21 Q. In a car or --

22 A. An unmarked car.

23 See, towards the tail end of
24 that they got frustrated. Somebody got to work

41 (Pages 377 to 380)

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1 with this man, and that would be me. And one day
2 I worked with Brian Reynolds. We got to talking.
3 The next day I worked with John Speiser. He
4 clearly did not want to work with me and I clearly
5 did not want to work with him.

6 We drove around and he said
7 listen, what these guys doing, let's go see what
8 these guys are doing. Listen, I'm going to do our
9 own thing. My phone rang. Went to the exclusive
10 lot and had to go to the bathroom. I went to the
11 bathroom. The phone rang -- I get back to the car
12 and he got a gun out.

13 I'm like what are you doing,
14 man? What's going on? He said I don't know
15 what's going on with you, you know. I just -- I
16 don't know what you're doing. And I said, you
17 know -- I forget what I said. I wanted to shoot
18 his ass but that wouldn't look good.

19 So what I did was we went into
20 headquarters. I was done. Not today. I brought
21 it to the sergeant attention. He basically said
22 get out of the squad. I brought it to Reggie
23 Graham's attention. He was another person in the
24 unit. We discussed -- he didn't really like Tommy

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1 MR. KRASNER: -- pointed
2 horizontal to the floor in the same posture
3 as the traditional position of a pistol.

4 BY MR. SANTARONE:

5 Q. Why wasn't it -- why was it that you
6 didn't want to work with John Speiser?

7 A. I just didn't want to work with him.

8 Q. Why?

9 A. I can say if I don't want to work with
10 somebody. I don't have a personal reason, I don't
11 want to work with the guy.

12 Q. Okay.

13 A. I was working by myself anyway, and I
14 knew it was just a -- just work with this dude, he
15 complained about not having no partner. And
16 somebody had to get in the car with me, because I
17 was actually complaining, sarge, I need a partner.
18 You can't have me out there running around by
19 myself.

20 Q. And you told Sergeant McCloskey
21 specifically that a gun was pointed at you?

22 A. I said Sarge, he pointed a gun on me.
23 He said who? I says John. He got real quiet.
24 Listen, you got issues, just get out of the squad.

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1 at all. He said his choice words.

2 And then as I was in line
3 getting ready -- I don't know if I was getting
4 ready to leave but I know I was going to my
5 personal car and call John Hess at the time. I
6 had to call somebody. And his result was listen,
7 just be careful. Because I had told him I don't
8 know what's going on. You know what I mean? You
9 call me, come to me with all this, and now I got
10 people pulling guns on me. I don't know what's
11 going on.

12 Q. And you said that when you got in the
13 car he had his gun out, and I guess did -- was the
14 gun pointing at you?

15 A. It's like this. I'm going to point --
16 you know. That little hole right there pointing
17 at you, or is it pointed at you?

18 MR. KRASNER: Indicating for
19 the record the deponent has held up his
20 right hand in the position one would --
21 well, all right, with his pinky toward the
22 floor and with his index finger --

23 THE WITNESS: Up. I mean,
24 talking about thumb up --

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1 Leave the squad.

2 Q. And you called Agent Hess?

3 A. Yeah, I did.

4 Q. And told him?

5 A. Yes.

6 Q. Did you and Agent Hess ever discuss
7 that at any time after that one phone call?

8 A. When I was arrested we was talking. I
9 said listen, guy pulling guns on me, had a lot
10 going on. Discussed it with Reggie Graham, people
11 I thought was close to me at the time.

12 Q. And I guess, you know, you'd said you
13 didn't want to give anybody up, but telling a
14 federal agent that an officer pulled a gun on you
15 is a very serious --

16 A. It was desperate.

17 Q. -- accusation.

18 A. I wasn't thinking clearly. If I was
19 thinking about it now I wouldn't have never called
20 him but when somebody pulls a gun on you, I don't
21 know -- I've been shot at before and I have a cop
22 that you working with pulling a gun on you, that's
23 kind of dramatic to me.

24 Q. But you did report that to the FBI.

42 (Pages 381 to 384)

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1 A. Yeah.
 2 Q. You mentioned yesterday that there was
 3 informant or someone who --
 4 MR. KRASNER: It goes on and on
 5 and on.
 6 BY MR. SANTARONE:
 7 Q. -- ended up being killed because --
 8 MR. KRASNER: He just won't
 9 quit. He just keeps going on.
 10 BY MR. SANTARONE:
 11 Q. -- with Tommy Liciardello giving his
 12 name up?
 13 A. Yes.
 14 MR. KRASNER: For the record,
 15 Mr. Spicer is sitting in the second row of
 16 this courtroom. He is staring directly at
 17 me eye to eye and has been doing it so for
 18 about two consecutive minutes. This is not
 19 the first time he's done it. It falls
 20 within a pattern of harassment and
 21 intimidation that he engaged in as recently
 22 as lunch, and if he does it again I'm going
 23 to the Judge.
 24 You may proceed.

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1 in 4200 block of Styles gave them up.
 2 Q. Do you know that individual's name?
 3 A. No.
 4 Q. You talked about the safe that you
 5 carried down the steps. Was that the Kushner
 6 case?
 7 A. Yes, it was.
 8 Q. And you said you threw it off a
 9 bridge. The Falls Bridge?
 10 A. One of those bridges. It's right off
 11 of Ridge Avenue. It's actually -- the East Falls
 12 are right -- homes are right there and there's a
 13 bridge right there.
 14 Q. Okay. Because you said -- you said a
 15 train bridge.
 16 A. Well, that's why I looked -- what it
 17 looked like, it looked like a train trestle
 18 bridge, the metal bridges -- the steel bridges,
 19 I'm sorry.
 20 Q. Okay. There weren't train tracks on
 21 the bridge.
 22 A. No. No. No.
 23 Q. Okay.
 24 A. I'm just using it as an example just

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1 MR. SANTARONE: Could you read
 2 back that question.
 3 ---
 4 (Whereupon, a discussion was
 5 held off the record.)
 6 ---
 7 BY MR. SANTARONE:
 8 Q. You mentioned an informant or someone
 9 who ended up being killed?
 10 A. Yes.
 11 Q. Who was that?
 12 A. Who was what, who died?
 13 Q. Yeah.
 14 A. The guy that lived in the area of the
 15 4200 block of Styles and who -- very irritating to
 16 Thomas Liciardello. Always had words with him.
 17 Every time we were up that way they were shouting
 18 back and forth.
 19 And an investigation that we
 20 had that started from that area carried onto the
 21 2900 block -- off of 49th and Haverford. During
 22 that investigation these individuals was arrested.
 23 Tommy took it behind himself to tell these folks
 24 that he arrested that this individual that lived

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1 what the bridge looks like so if you go in the
 2 area you know it looks like one of those train
 3 trestle bridges but it don't have -- it looked a
 4 train trestle -- it looked like a train trestle
 5 bridge, but it doesn't, it's cars go across it.
 6 Q. Regarding the Casciolo case, you said
 7 that someone told you -- the FBI told you \$210,000
 8 was stolen from a suitcase?
 9 A. Casciolo? I referred to him as the
 10 Costa Rica guy. If that's his name, that's the
 11 one where Norman hung the guy up. Is that
 12 Casciolo?
 13 Q. Were you -- did you know at that
 14 time --
 15 A. Is that Casciolo?
 16 Q. -- that there was a suitcase --
 17 A. Is that Casciolo?
 18 Q. Yeah, that's Casciolo.
 19 Is that the one where --
 20 A. It is?
 21 Q. Yes.
 22 A. Okay.
 23 Q. It's -- I'm trying to determine -- you
 24 said the FBI told you that someone had stolen

43 (Pages 385 to 388)

Page 389

1 \$210,000.

2 A. No, they asked me are you aware of any
3 money taken from that location, or did you
4 participate in any money taken from the location.
5 I said no, I didn't get any money from that
6 location.

7 How this information came out,
8 I don't know if they told me, but I know it was --
9 it was a suitcase full of money that was taken
10 from that -- allegedly taken from that location,
11 and I was surprised to even hear that and where it
12 was and where I was in the apartment because it
13 was a lot of us in there, but it's not uncommon
14 for me not to know a lot of what goes on in these
15 houses or these I guess -- in a house or
16 apartments that I've been in.

17 Q. But where did you get that figure,
18 \$210,000?

19 A. That's the number I heard.

20 Q. From the FBI?

21 A. I don't know where I heard it from. I
22 know I heard a Calvin Klein brief -- a Calvin
23 Klein suitcase with \$210,000. I forgot where I
24 heard it from, but I know I heard it around the

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1 hearings. Can you name anyone who you testified
2 or anyone that you know testified falsely at a
3 forfeiture hearing and they lost their house?

4 A. I watched them again in this. I can
5 go back from when the Affidavits are prepared, any
6 type of false statements or fabricated statements
7 that got the affidavit, the probable cause to do
8 an execution of a search warrant, what goes into
9 someone eventually losing their house, I don't
10 know if someone lost their house, but I know
11 affidavits that we have -- may have lied on may
12 have -- go into forfeiture court, and I can't give
13 you the disposition if they lost their house or
14 not.

15 Q. Can you give me the name of anyone who
16 you knew that went to forfeiture proceedings?

17 A. No, I can't give you that.

18 Q. How about anybody who lost a vehicle?

19 A. I know Kushner complained about not
20 having his car for a long time. That's the only
21 one I can remember. I don't know if he got it
22 back or not, but he took his car. Thomas
23 Liciardello took his car and held onto it for a
24 long time.

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1 time -- I know the FBI told me are you aware of
2 any money, or did you participate in any money
3 taken from that job.

4 Q. But you have no personal knowledge of
5 that.

6 A. No.

7 Q. And in the -- in the search of the
8 Casciollo residence, you were involved in the
9 actual search?

10 A. I -- my job was beating up on --
11 trying to beat up on Casciollo when Norman hung
12 him off the railing, but I didn't do too much
13 search because he was watching him.

14 Q. You said yesterday that Myra Hawkins
15 never stole anything.

16 A. She never stole nothing.

17 Q. Who was Myra Hawkins?

18 A. She was a black -- the only female we
19 had in the squad at the time under Chet, Chester
20 Malkowski, and they dogged her out every chance
21 they got. That means Tommy Liciardello, Brian
22 Reynolds, they just dogged her out.

23 Q. You talked about testimony -- you were
24 asked questions about testimony at forfeiture

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1 Q. You were asked about the Alfonzo
2 Edwards case by Mr. Pileggi? Do you remember
3 that? Alfonzo Edwards. Do you remember that?

4 A. I don't remember that. The name rings
5 a bell, you got to -- the job and I can go for the
6 rest.

7 Q. Well, you had said that you, Reynolds
8 and Liciardello were in the same car. Was it
9 unusual for three of you to be in a car at one
10 time?

11 A. Oh, you're talking about the guy who
12 was beat, Alfonzo Edwards?

13 Q. Yes.

14 A. Yeah.

15 Q. Was it --

16 A. We always worked together.

17 Q. So three of you would be in the car --

18 A. Yes.

19 Q. -- at the same time?

20 A. Yes.

21 At the time I left it was --

22 the category was -- the squad was so small it
23 was -- it was Tommy, Brian in the car together
24 with John, and there was Perry and Mike together,

44 (Pages 389 to 392)

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1 but as Tommy and Spicer got close it was Mike
2 Spicer and Tommy in the car with Reynolds and John
3 Speiser was in car with Perry, but when Kapusniak
4 came I can remember him being in the car with
5 Perry.

6 But this is from the outside
7 looking, but when I was there it was Tommy and
8 Brian in the car together and it was Mike Spicer
9 and Perry together. John Speiser was always with
10 Tommy. He's with Tommy in the car with him.

11 Q. And who was the third person in their
12 car?

13 A. In whose car?

14 Q. Tommy's car, Thomas Liciardello.

15 A. That was -- that would be -- that
16 would be John. It was always three. It would be
17 three, two --

18 Q. Okay.

19 A. -- three, two, and then when I was
20 working it would be probably me and Norman. It
21 was -- you know, with -- towards the tail end
22 sometimes they had me in the car with them. If it
23 was no car available I was in the car with them,
24 but most times I was in the car separate by myself

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1 or I was with Norman.

2 Q. You said that some Internal Affairs
3 investigations were sustained that you were
4 involved in?

5 A. Yeah, but it wasn't nothing about no
6 stealing and it wasn't nothing about no beating
7 nobody.

8 Q. You talked about Kushner then becoming
9 friends and playing basketball. Where did that
10 happen?

11 A. Yeah. That happened -- well, that
12 happened around a train station, Belmont train
13 station near Kushner's house, where after we
14 finished robbing him and Kushner was willing to
15 give us information they became friends.

16 And I can see from the outside
17 looking Kushner was scared to death of us, and he
18 was doing everything we -- he wanted us to do --
19 that we wanted him to do, and he stayed on the
20 good side.

21 It was like one of those
22 Dr. Jekyll, Mr. Hyde things. We were -- you
23 were -- we came at you real hard, put hands on
24 you, threatened you, but once you started giving

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1 us information you never knew that ever happened
2 because we were best of friends and Tommy would
3 call you and he would have all different types of
4 conversations and stuff like that.

5 Q. Did Kushner provide information that
6 was valuable in arresting other drug dealers?

7 A. Yes. He involved the Costa Rica --
8 the guy that got hung off the railing.

9 Q. Casciolo?

10 A. Yes.

11 Q. If someone is arrested for drugs and
12 they are willing to give information about other
13 drug dealers or where they get their source of
14 drugs from, is that something that's commonly
15 done?

16 A. Well, if a person is arrested he's
17 interrogated extensively. That means you threaten
18 him and you put hands on him. He has a choice,
19 you can give up or keep getting your ass kicked.
20 Excuse me. And eventually a lot of times that
21 worked. The guys gave up other guys.

22 And then when they were giving
23 up guys, from me witnessing them, they were being
24 used as sources of information, providing

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1 information on other drug dealers, and sometimes
2 these sources of information was used to call
3 other drug dealers to bring things to a location.

4 Q. You mentioned the Michael Hall case,
5 and you said you did that job entirely by
6 yourself?

7 A. Yes, I did.

8 Q. Did you steal anything on that job?

9 A. No, I did not.

10 Q. And that was in 2010?

11 A. Yes.

12 Q. So you would still have been in this

13 -- in --

14 A. Yes.

15 Q. -- McCloskey's squad?

16 A. I was on my way out, heading out the
17 door.

18 Q. And you talked about McCloskey would
19 give keys to a house or a residence to go -- for
20 you to check it out or for the squad to check it
21 out --

22 A. For who to check who out?

23 Q. -- before a warrant was issued?

24 A. Never gave me nothing.

45 (Pages 393 to 396)

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1 Q. Okay.

2 A. He gave it to Thomas Liciardello,
3 Michael Spicer. That's the main ones I seen
4 giving it to them, go check them houses out, or
5 they -- they'll -- they controlled -- Tommy
6 controlled the squad. Tommy's controlling the
7 squad. So he'll go to the sarge and say listen,
8 sarge, we're going to check this spot out, and
9 he'll give them keys.

10 Q. Who would give him the keys?

11 A. The sergeant would give him the keys,
12 but if he had hold -- holding on anything that
13 they need, he would give it to them.

14 Q. So what are the instances, then, where
15 you're saying McCloskey would call and yell at
16 Liciardello and the squad because you were in a
17 house?

18 A. The sergeant wouldn't call and yell at
19 Liciardello, Liciardello would call the sergeant
20 and the sergeant would be yelling at him, but it
21 didn't -- Tommy was still doing what Tommy do, and
22 the sergeant would say call Otto, what are you
23 calling me for.

24 And that was -- I was only

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1 witnessing that part because I was out of the
2 squad in another squad and the sergeant was
3 hanging with us, and I was wondering why he
4 hanging with us and he got a squad, and they was
5 out there in the street by themselves.

6 Q. So after April of 2011, you had no
7 involvement with anyone from your former squad but
8 you did have involvement with McCloskey?

9 A. Who? Who had involvement with
10 McCloskey, me?

11 Q. You, after April of 2011.

12 A. Why would I have involvement -- no, I
13 was --

14 Q. Well, you said he was on the jobs you
15 were on.

16 A. He was hanging out with another squad.
17 I was working with Sergeant Barrington's squad. I
18 was wondering why this man was hanging out with
19 our squad when we had a job. You have a squad,
20 what are you doing with us?

21 Q. Yeah, that's what I'm saying.

22 A. I'm not done.

23 Q. After April of 2011, there were
24 times when your squad --

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1 MR. KRASNER: Please finish
2 your answer.

3 BY MR. SANTARONE:

4 Q. -- your squad had a job --

5 MR. KRASNER: Please finish
6 your answer. He's been cut off repeatedly.
7 Please finish your answer.

8 THE WITNESS: I was working
9 with Sergeant Barrington. That was after
10 Sergeant Gorman's squad. I remember
11 distinctly. We had a weed job, a major weed
12 job, at 40th and Poplar. Our squad was the
13 only squad there. Sergeant Joe McCloskey
14 came and he clearly looked like he was
15 visibly disturbed, and I'm saying -- looking
16 at him like why is this man with us at this
17 job without them.

18 His phone rings and it clearly
19 was Tommy on the other end saying he was in
20 the house, and in my presence Joe McCloskey
21 said what are you calling me for, call Otto,
22 and I said nothing changed, and that's it.

23 BY MR. SANTARONE:

24 Q. Were there any other instances other

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1 than that one instance where you were on -- either
2 working by yourself or with your squad and --

3 A. Yeah, and --

4 Q. -- Sergeant McCloskey was involved
5 after April of 2011?

6 A. You keep on -- after April of 2011.
7 That's the time I left. I'm --

8 Q. Yeah.

9 A. I was not involved with the squad
10 after that.

11 Q. Okay.

12 A. Okay? In that situation. I'm telling
13 you what happened before when I was in the squad.
14 That happened -- only time that it happened I was
15 gone from the squad. It was after April 2011 when
16 I heard -- saw that incident happen.

17 Any time before that if I had a
18 chance to be with them in the house without a
19 warrant, Tommy would call the sergeant and you can
20 clearly hear the sergeant is telling us what are
21 you doing out there, and Tommy -- and Tommy will
22 say what Tommy wanted to say, and then he'll talk
23 to Otto, and then the sergeant will come out to
24 the location with Otto, and then everything -- as

46 (Pages 397 to 400)

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1 the day course goes on, I guess everybody kissed
2 and made up and we move on.
3 Repeatedly we were always told
4 to go to South Philly. The sergeant would sit us
5 down, do not go to Roxborough, and we end up in
6 Roxborough. No matter where -- what the sergeant
7 did we did what we wanted to do, or at least Tommy
8 did what he wanted to do and we followed him.
9 That man had no control over our squad.
10 Q. And the instance where you --
11 instances where you say that Sergeant McCloskey
12 would give you keys to a house where there wasn't
13 a warrant?
14 A. Sergeant McCloskey didn't give me
15 nothing.
16 Q. Okay. Did you see him do that --
17 A. I wasn't special.
18 Q. Did you see him give the keys to
19 someone?
20 A. Yes.
21 Q. And why -- what were the circumstances
22 that he gave the keys, do you know?
23 A. Because they were going to another
24 house. Because they asked for them.

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1 Q. And did Lieutenant Otto ever give them
2 keys?
3 A. No, not that -- not that I can recall,
4 no. I don't think Otto was as dumb as McCloskey
5 was. Otto just -- I believe Otto just turned a
6 blind eye to what was going on because he was
7 constantly being called by Tommy saying they were
8 in a house and the sergeant was directing him to
9 talk to him.
10 MR. SANTARONE: Okay. That
11 ends my questioning for this phase.
12 MR. WILLIAMS: All right. Now,
13 did we say 3 or 3:30?
14 MR. KRASNER: 3:30 I believe.
15 ---
16 (Whereupon, a discussion was
17 held off the record.)
18 ---
19 BY MR. CHRISTIE:
20 Q. I understand that we do not have and
21 we will not have your home address on this record;
22 is that correct?
23 A. That's correct.
24 Q. And you don't currently have a

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1 business address; is that right?
2 A. No. I live in the City and County of
3 Philadelphia.
4 Q. Where -- and I also understand that
5 hereafter you want to be served with papers that
6 are served by lawyers in this and the other cases
7 that are in front of Judge Diamond.
8 A. Give them to me here.
9 Q. How are we going to give them to you
10 if we don't have an address?
11 A. I'm here right in front of you --
12 MS. FUREY: Do you have an
13 email?
14 THE WITNESS: I got an email
15 address.
16 MS. FUREY: Well, you put it
17 with the clerk and you'll get notice just
18 like we all do.
19 THE WITNESS: Okay.
20 MS. FUREY: Everything filed
21 you'll get notice of it through --
22 THE WITNESS: Yeah, I'm going
23 to do that. I'm talking about additional
24 paperwork as I'm asking for discovery, you

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1 can hand them to me here if you choose to,
2 but you can email them also.
3 BY MR. CHRISTIE:
4 Q. I'd like to ask a couple points of
5 clarification.
6 A. Yes.
7 Q. When you testified yesterday and today
8 about Chet --
9 A. Chester McCloskey?
10 Q. Is that Chester --
11 A. Chester Malkowski.
12 Q. Malkowski. Can you spell Malkowski?
13 A. It's killing me with these names.
14 Can I spell Malkowski?
15 Q. Yes.
16 MS. FUREY: Chester is with the
17 Polish name. The Irish guy would never have
18 Chester. No Irish guy has a first name
19 Chester, so...
20 THE WITNESS: Chester
21 Malkowski.
22 BY MR. CHRISTIE:
23 Q. Okay. When you use the word
24 Chester --

47 (Pages 401 to 404)

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- 1 A. Chet is short for Chester.
 2 Q. And when you use Chet --
 3 A. Chet is short for Chester.
 4 Q. When you testified yesterday and today
 5 about Chester, you were talking about Chester
 6 Malkowski, correct?
 7 A. That's what I -- and we keep saying --
 8 at times I say Chet I'm talking about Chester
 9 Malkowski.
 10 Q. And when you testified yesterday and
 11 today about Chet, you were talking about Chet
 12 Malkowski, correct?
 13 A. No, I'm talking about the exact same
 14 person, Chester. Everything's Chester. We
 15 abbreviating each other's names.
 16 Q. You called him Chet, too, didn't you?
 17 A. I call him -- yes, we call him Chet,
 18 Chester. I know him as -- mainly as Chet. It's
 19 all one person. Anything with Chet in it is --
 20 Chester or Chet, anything that sound like that is
 21 Chester.
 22 Q. And he was one of the sergeants who
 23 supervised you, correct?
 24 A. Yes.

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- 1 Q. And you also were supervised at some
 2 points in time by Sergeant Meehan?
 3 A. Meehan.
 4 Q. Meehan. Were you ever -- you were
 5 also surprised by Sergeant Gorman; is that
 6 correct?
 7 A. Yes.
 8 Q. And you were supervised by a Sergeant
 9 Barrington?
 10 A. Yes.
 11 Q. And you were supervised by a Sergeant
 12 Torpey, correct?
 13 A. Torpey?
 14 Q. Torpey, T-O-R-P-E-Y?
 15 A. The only thing I -- at times he
 16 covered for us.
 17 Q. I'm sorry?
 18 A. He covered for us at times but he was
 19 never my supervisor, immediate supervisor.
 20 Q. And in the Torain case you were
 21 supervised by a Sergeant Genie was her name?
 22 A. Gessner.
 23 Q. Gessner.
 24 A. Genie Gessner.

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- 1 Q. A female.
 2 A. Yes.
 3 Q. And is it your testimony that all of
 4 these sergeants knew that you were regularly lying
 5 as part of your job as a police officer?
 6 A. All these sergeants knew I was
 7 regularly lying? The only person I can honestly
 8 say that knew I was regularly lying was Chester
 9 Malkowski.
 10 Q. And --
 11 A. The next sergeant that knew I was
 12 doing some misconduct, I was doing it with other
 13 members of my unit, was Joe McCloskey.
 14 Q. Were they the only two sergeants among
 15 those who were supervising you who knew that you
 16 were lying?
 17 A. That knew I was lying?
 18 Q. That's the question.
 19 A. I just told you, Chester Malkowski,
 20 that I was lying and stealing with him. Who I was
 21 doing something wrong, misconduct, as far as CIs
 22 and all besides stealing was Joe McCloskey.
 23 Q. Okay. And did any of these other
 24 sergeants that you've testified were supervising

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- 1 you, did they know about your criminal misconduct?
 2 A. I just told you.
 3 The rest of them other than
 4 those two?
 5 Q. Yes.
 6 A. I forgot. I did something with
 7 Sergeant Meehan where something was taken out of a
 8 house by Norman and he knew about it. It was
 9 someone's property. It was actually a video box,
 10 I guess a brain box of a video camera system, and
 11 it was -- never had a property receipt. It was
 12 actually taken from headquarters and put in
 13 Norman's car and he left with it.
 14 Q. Now, you have in front of you the
 15 Torain Complaint Mr. Pileggi showed you.
 16 A. Yes.
 17 Q. And you understand, do you not, that
 18 that's one of the hundreds of cases in which you
 19 are a defendant that are in front of Judge
 20 Diamond?
 21 A. Yes.
 22 Q. What paperwork did Mr. Pileggi show
 23 you concerning that Torain case when you met with
 24 him privately?

48 (Pages 405 to 408)

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1 A. Once he told me about the case and I
2 said I remember it I was shown the 49, what we see
3 here now, the search warrant.

4 Q. Exhibit -- what number?

5 A. 6.

6 Q. 6.

7 A. I was showed property receipts to
8 actually refresh my recollection. The only thing
9 I told him what was wrong with them because
10 visibly something was wrong with them, and I asked
11 to see the search warrant, the one -- the house
12 that I set up on because I was part of that, and I
13 looked at it and I seen issues wrong with it and I
14 told him why I believe things were wrong with it
15 in the paperwork that I was part of doing.

16 Q. And --

17 A. Anyone else was part of, I have no
18 recollection of any of that.

19 Q. And did Mr. Pileggi show you any other
20 Complaints that are in front of Judge Diamond
21 where you are a defendant?

22 A. No.

23 Q. Did Mr. Pileggi show you any other
24 paperwork from any of the other cases?

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1 At the court I lied. I said I
2 was with her, which I was never with her. I was
3 at least 2 -- 2 to 300 yards away looking at them
4 where she got out the car and approached him
5 because she knew him. She was the one setting him
6 up but they needed an officer to do a direct buy
7 from him and I was chosen to do that.

8 Q. And when did that happen?

9 A. Before I left the squad.

10 Q. Before 2011?

11 A. Before I left the squad.

12 Q. Which squad?

13 A. Joe McCloskey's squad.

14 Q. That was in 2011, correct?

15 A. Before I left the squad. I mean, I
16 can't tell you what month it was. It could have
17 been -- yeah, I believe it could have been 2011
18 but I have to see the paperwork -- I have to see
19 it.

20 Q. How far before you left the squad did
21 this happen?

22 A. Listen, before I left the squad. I
23 can't tell you that. Before I left the squad.

24 Q. Was it ten years before?

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1 A. No.

2 Q. You testified yesterday about a buy
3 that you did not make but where you were asked to
4 sign a voucher or paperwork stating --

5 A. A voucher.

6 Q. -- that you made it.

7 A. It was a voucher.

8 Q. A voucher?

9 A. Yes.

10 Q. And as I recall from your testimony,
11 the -- what you did witness was that a female
12 source bought drugs from the target?

13 A. It was a female that I believe to be a
14 source.

15 Q. And when did this occur where you
16 signed a voucher saying you bought drugs but did
17 not?

18 A. Well, that came out in the trial. I'm
19 sure you have that in the paperwork, where I said
20 I made a buy and I didn't, and it was involving a
21 female and the target male, and I admitted that I
22 lied and I went to court and lied, and I was given
23 a voucher by the sergeant who was there at the
24 location who seen the action.

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1 A. No. Let's be realistic. Before --
2 after 2010, before I left the squad in 2011.
3 Let's narrow it down like that.

4 Q. All right.

5 MR. CHRISTIE: No further
6 questions at this time.

7 MR. BRIGANDI: Are we in
8 agreement that I'm going to keep my
9 questioning limited to Torain and not go
10 into to the ML, the municipal liability
11 claim?

12 MR. KRASNER: Please.

13 BY MR. BRIGANDI:

14 Q. Good afternoon, Mr. Walker.

15 A. Good afternoon, sir.

16 Q. My name is Armando Brigandi. In this
17 particular case, the Torain case, I represent the
18 City of Philadelphia as well as Officer Monaghan.
19 I'm going to limit my questions for now to the
20 underlying Torain case as well as Officer
21 Monaghan.

22 Just one additional rule that
23 I'll put out there is that if you let me finish my
24 question before you start your answer I'll do my

49 (Pages 409 to 412)

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1 best to let you finish your answer before I start
 2 my next question so that she can record -- she
 3 can't record two voices at once. Is that fair?
 4 A. That's very fair.
 5 Q. You mentioned yesterday that -- at one
 6 point yesterday you mentioned that a lot of your
 7 work, the work that you did with the squad, was
 8 legitimate.
 9 A. Yes.
 10 Q. What percentage would you say -- over
 11 the course of the years that you worked with the
 12 Liciardello squad, what percentage of those jobs
 13 in your mind were legitimate jobs?
 14 MR. KRASNER: I'm going to
 15 respectfully object to the form of the
 16 question in that "legitimate" is a very
 17 vague term.
 18 However, you can answer.
 19 THE WITNESS: A fair statement
 20 would probably be, percentage-wise, like 70
 21 percent.
 22 BY MR. BRIGANDI:
 23 Q. Okay. Well, I --
 24 A. 70, 75 percent.

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1 Regardless of what they stopped and got from him,
 2 there's a discussion that we had.
 3 Q. Okay.
 4 A. Because my assumptions was, without
 5 looking through the whole job, that they stopped
 6 him with drugs. That's what brought them back to
 7 the apartment to secure the house.
 8 Once they had the drugs
 9 already, we needed to tie it in from what we had
 10 to what was in the apartment because they went in
 11 the apartment before the warrant, and they needed
 12 the light to come on and they needed to have the
 13 belief of drugs was coming from the location from
 14 what I saw with who came out of the location.
 15 That's why I believe the job is not right.
 16 Q. And the discussion that you had,
 17 you're talking about a discussion that you had
 18 with Monaghan.
 19 A. Yes.
 20 Q. Okay. I believe you said earlier that
 21 you didn't -- you didn't have previous occasions
 22 where you and Monaghan were stealing together; is
 23 that correct?
 24 A. I can't tell I stole anything with

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1 Q. And the objection that Mr. Krasner
 2 made is a fair one, and when I say legitimate I
 3 mean that you guys aren't lying, aren't planting
 4 stuff, aren't stealing stuff, and that what you
 5 put on the paperwork is the truth. That's what I
 6 mean by legitimate.
 7 A. I know what it is.
 8 Q. So 70 to 75 percent? Is that --
 9 A. 70, 75 percent good jobs.
 10 Q. Okay. I'm trying to understand, what
 11 is your basis -- well, first of all, let me ask
 12 you this. The Torain job that we have in front of
 13 us that Monaghan was the assigned, in your mind,
 14 is that a legitimate job?
 15 A. No.
 16 Q. Okay. And can you explain to me why
 17 it isn't a legitimate job specifically --
 18 A. My part in it --
 19 Q. -- based on your knowledge.
 20 A. Based on my knowledge, my part in it,
 21 our discussion I had with the assigned of how we
 22 can tie the apartment in that they enter prior to
 23 doing the warrant, that is not legit, because we
 24 already discussing something that ain't right.

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1 Monaghan. I never stole nothing with Monaghan but
 2 I know I stole things with Sean Kelly.
 3 Q. Okay. Looking at the paperwork in
 4 this particular case, what I'm referring to is
 5 what's been previously marked as Walker-5 and the
 6 PARS, which I believe we marked as -- was it
 7 marked as Walker-2?
 8 MR. BRIGANDI: Anyone remember?
 9 THE WITNESS: The PARS?
 10 MR. KRASNER: 6, I think.
 11 THE WITNESS: It's Walker-7.
 12 BY MR. BRIGANDI:
 13 Q. Walker-7.
 14 All right. I want to refer to
 15 Walker-5 which is the Affidavit of Probable Cause
 16 that I believe was completed by Officer Monaghan.
 17 Are you with me?
 18 Okay, sir, do you have the
 19 Affidavit of Probable Cause in front of you?
 20 A. Yes.
 21 Q. And I'm looking at -- what I'm looking
 22 at is Bates stamped at the bottom 7471. You've
 23 got that page?
 24 MR. BRIGANDI: Thank you,

50 (Pages 413 to 416)

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1 Howard.
2 THE WITNESS: Yes.
3 BY MR. BRIGANDI:
4 Q. In the first line there it says
5 Officer Monaghan received detailed information
6 from a confidential source. Do you have any
7 information, personal knowledge, that that
8 information that he received was not legitimate?
9 A. No.
10 Q. Okay. And without giving up -- and
11 please don't give up any -- the identification of
12 any confidential --
13 A. Stop.
14 Q. -- source --
15 A. Stop.
16 Q. -- or informant. Okay?
17 A. Okay.
18 Q. But sitting here now, do you know who
19 the identity of his confidential source is?
20 A. No.
21 Q. Okay. Going to the second paragraph
22 it appears that Officer Monaghan along with
23 Officer Kelly set up a surveillance of the area of
24 5600 Master Street on January 2nd, 2001. Do you

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1 Q. Were you in plainclothes or uniform?
2 A. Plainclothes.
3 Q. And I'm assuming since you're in
4 plainclothes you would have been in an unmarked
5 car.
6 A. Yes.
7 Q. Do you remember -- I know this was
8 many years ago. Do you remember the car you had?
9 A. No.
10 Q. Do you remember the color of the car
11 you had?
12 A. No.
13 Q. But you were in the car yourself.
14 A. Yes.
15 Q. I assume you have a radio?
16 A. Yes. I believe so, yes. Yes, I have
17 a radio.
18 Q. That's the only way you could
19 communicate with --
20 A. I could communicate with cell phone,
21 too.
22 Q. Okay. And in this particular
23 surveillance, do you recall who was giving you the
24 orders to do things such as follow cars and things

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1 see that?
2 A. Yes.
3 Q. Okay. Is it fair to say that you were
4 not a part of that surveillance?
5 A. That's fair.
6 Q. Okay. So you were not there, and
7 whatever they saw you don't know if they saw it or
8 didn't see it; is that correct?
9 A. That is correct.
10 Q. Okay. Now, going further down where
11 it says Wednesday, January 3rd, 2001, at
12 approximately 11 a.m. Monaghan and Kelly set up
13 surveillance for the locations of 5605, 5607 and
14 5609 West Master Street. Were you part of that
15 surveillance?
16 A. No.
17 Q. Okay. Is it fair to say that you did
18 not become involved in this particular
19 surveillance until the 4th of January; is that
20 correct?
21 A. Yes.
22 Q. Okay. And did you have a partner that
23 day?
24 A. No.

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1 like that or going to different locations?
2 A. Exactly who?
3 Q. Yeah.
4 A. No, but I -- my assumption, but you
5 don't want that, but I don't know who -- exactly
6 who. My assumption is it could have been Police
7 Officer Monaghan or Police Officer Kelly because
8 there were working together.
9 Q. You're assuming that but you're not
10 sure.
11 A. I'm not sure.
12 Q. Okay. I'm looking now at Bates
13 stamped page 7472. Are you there, sir?
14 A. Yes.
15 Q. Okay. Do you see at about the middle
16 paragraph where it begins on January 4th, 2000
17 Police Officer Kelly and Police Officer Monaghan
18 set up surveillance?
19 A. Hold on.
20 Yes, got you.
21 Q. Okay. Now, I want you to go about
22 halfway down that paragraph where the sentence
23 says the Bonneville who was being operated by a
24 black male. Do you see that sentence?

51 (Pages 417 to 420)

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1 A. Hold on. I don't see that yet. I
2 have to read the whole paragraph.
3 MR. POPPER: The Bonneville.
4 THE WITNESS: The Bonneville --
5 yes.
6 BY MR. BRIGANDI:
7 Q. Okay. So I'll read it to you. The
8 Bonneville that was being operated by a black male
9 later identified as Kareem Torain was followed
10 back to 1621 North Conestoga Street by Police
11 Officer Walker where police observed Torain exit
12 his vehicle and enter 1621 Conestoga.
13 So the part that I just read,
14 sitting here today -- and I'm assuming Officer
15 Walker, that's you, correct?
16 A. Uh-huh.
17 Q. Did that happen?
18 MR. POPPER: Yes or no.
19 THE WITNESS: I'm sorry.
20 Yes. That happened.
21 BY MR. BRIGANDI:
22 Q. The next sentence says, Police
23 observed, and the name is cut off -- oh. Police
24 observed Delee go immediately go back to the

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1 Street in a Bonneville to the southwest corner of
2 55th and Hunter. At this point Torain exited his
3 vehicle and entered into 1628 North 55th Street.
4 Do you see that?
5 A. Yes.
6 Q. Okay. Do you know if that happened or
7 not?
8 A. I don't know if the first part
9 happened, but the second part happened.
10 Q. The second part where he entered into
11 1628 North 55th Street happened?
12 A. Yes.
13 Q. You saw that yourself?
14 A. Yes.
15 Q. Okay. The next paragraph, At
16 approximately 2:05 p.m. police observed Delee
17 answer the pay phone on the northwest corner of
18 56th and Master Street and jog to the Buick
19 mentioned on January 3rd, 2000 along with Diggs
20 and Arthur Tillman. Police Officer Walker
21 followed them to 55th and Hunter Street where they
22 parked the car on 55th Street.
23 All these males exited the
24 Buick and were admitted into the 1628 South 55th

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1 corner of 56th and Master and get small objects
2 which he retrieved from his pocket to numerous
3 males and females in exchange for USC.
4 The part that I just read
5 there, do you know if that happened or not?
6 A. I don't know because it was not me. I
7 don't know.
8 Q. Going to the very bottom of that page
9 it reads, At approximately 2 p.m. Police Officer
10 Reynolds observed Torain exit 1621 South Conestoga
11 and travel westbound on Hunter Street in a
12 Bonneville to the southwest corner of 55th and
13 hunter. At this point Torain exited his vehicle
14 and entered into 1628 North 55th Street with --
15 and there's a name that I can't -- I can't read
16 because it's blocked out.
17 Were you privy to this
18 information that's contained in this paragraph
19 that I just read?
20 A. That will be -- let me go back. Can
21 you go back again?
22 Q. Yeah. It says at approximately 2 p.m.
23 Police Officer Reynolds observed Torain exit 1621
24 South Conestoga and travel westbound on Hunter

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1 Street by Torain. After approximately 20 minutes
2 all three males, Delee, Tillman, Diggs exited 55th
3 Street, with Delee placing a clear bag inside of
4 his jacket. All three males go into the Buick and
5 were followed back to 55th -- 56th Street and
6 Master by Police Officer Reynolds. Police Officer
7 Walker remained at 55th and Hunter watching 1628
8 55th Street.
9 Now, I know that's a long
10 paragraph I read, but is any of that information
11 contained in what I just read to your knowledge
12 inaccurate?
13 A. Yes, the bundle, the bundle bag.
14 Everything else is accurate.
15 Q. Okay. And the bundle bag --
16 A. Coming out of the house.
17 Q. Okay. And who gave that information?
18 Was that you?
19 A. I believe I did, yes.
20 Q. Okay. I guess my question is, and
21 I'll cut this short, is there any inaccurate
22 information contained in this Affidavit of
23 Probable Cause that didn't come from you?
24 A. That did not -- anything else other

52 (Pages 421 to 424)

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1 than what I said?

2 Q. Anything else that's inaccurate

3 contained in this affidavit that didn't come from

4 you that you're aware of?

5 A. No.

6 Q. And I believe you mentioned yesterday

7 that one of the reasons -- and Michael Pileggi

8 asked you a question yesterday, one of the reasons

9 why you believe Torain was wrongfully convicted

10 was, one, because you put inaccurate information

11 on affidavit, but secondly, because the officers

12 entered the property before the search?

13 A. Yes, on exigent -- they had -- I

14 believe they had exigent circumstances based on

15 the stop to go into this house and secure this

16 house.

17 Q. Okay. Now, if you look at this -- if

18 you go to the last page of this affidavit, and

19 it's Bates stamped 7474 --

20 A. Yes.

21 Q. -- you would agree with me that in the

22 middle paragraph there where it starts at

23 approximately 3:50 p.m. members of narcotics went

24 to 1658 North 55th Street to attempt to secure the

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1 apartment that Torain went into, you would agree

2 with me that it describes in there that they spoke

3 with the manager of a building who said that the

4 apartment was not rented and that should not have

5 been occupied. That's contained in this

6 affidavit, correct?

7 A. Yes. Who said that's true?

8 Q. I'm sorry?

9 A. Who's saying that's true?

10 Q. Okay. Do you have any information

11 that that's not true?

12 A. I was lying in there. Who said it's

13 not true? Who said it's true? Other than -- if

14 I'm lying in this affidavit who is saying the rest

15 of this that I don't know about, is you're asking

16 me questions about, is true?

17 Q. I guess my question might be unclear.

18 A. You asked me about a question that I

19 have no knowledge and saying if it's true because

20 it's written down there. What I say in this

21 affidavit is also written down and it's a lie. So

22 you asked about a question about something else

23 that's written down and saying it possibly could

24 be true.

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1 Q. Okay.

2 A. I'm telling you, who could -- what

3 makes it true?

4 Q. And I apologize because my question

5 was unclear.

6 A. Okay.

7 Q. You would agree with me that the fact

8 that the officers, including Monaghan, entered --

9 entered the residence at 1628 North 55th Street

10 with a key the day before the search warrant. You

11 would agree with me that that information is

12 contained on the Affidavit of Probable Cause.

13 A. Yes.

14 Q. Okay. And this affidavit is

15 approved -- well, let me ask you, who approves

16 Affidavits of Probable Cause for search warrants?

17 A. It could be the Bail Commissioner, it

18 was a master judge -- a municipal judge -- it

19 could be a Bail Commissioner or a judge.

20 Q. And whose job is it to present it to

21 the Bail Commissioner or judge, would that have

22 been Monaghan's?

23 A. Yes.

24 Q. Did Monaghan know that the information

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1 you put in this affidavit was false?

2 A. Yeah, he knew. Yes, he knew.

3 Q. How did he know that?

4 A. We had a discussion on it from my

5 part.

6 Q. Okay. And what exactly did you tell

7 him that was false?

8 A. We had the discussion that he need --

9 he had a discussion with me he needed for the

10 light to be on, the observations about me, and

11 what was coming out of the house, the males coming

12 out of the house and drugs or any type of

13 situation like the bundle bag situation, the guys

14 coming out, placing a bundle bag into their jacket

15 pocket, whatever the 49 says, which never

16 happened. The males did exit, but it, none of

17 that, ever happened.

18 Q. Do you remember where this

19 conversation took place?

20 A. On the scene.

21 Q. When you say "the scene," what was the

22 address?

23 A. Of 1628 North 55th Street. North 55th

24 Street? Yes, the house that they were -- went

53 (Pages 425 to 428)

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1 into -- the apartment -- room they went into.
 2 Yes, North, 1628 North 55th
 3 Street.
 4 Q. So just so I'm clear, the two facts
 5 that you fabricated and gave to Monaghan were the
 6 fact that the light had to be on at 1628 North
 7 55th Street --
 8 A. Yes.
 9 Q. -- and that the -- one of the males
 10 came out with a bundle of -- again, a bundle.
 11 A. A golf ball size object believed to be
 12 drugs.
 13 Q. Okay. As a result of this job, to
 14 your knowledge, was any money stolen?
 15 A. No, not from -- from my knowledge, no.
 16 Q. As a result of this job, were any
 17 drugs planted?
 18 A. Not from my knowledge, no.
 19 Q. As a result of this job, were any
 20 drugs illegally taken --
 21 A. And resold?
 22 Q. -- and resold by -- by --
 23 A. No, I didn't get to that part yet.
 24 No. No.

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1 Q. About five more minutes, I promise
 2 I'll finish.
 3 When you and your unit -- and
 4 the unit I'm speaking of is when you were with the
 5 Liciardello unit --
 6 A. Yes, you're right about that.
 7 Q. Okay.
 8 -- when you went out and did
 9 jobs, who were you targeting?
 10 A. Mid-level and up. Mid-level and up.
 11 That means -- I'll put it in other terms because
 12 people are not drug dealers. A person who is
 13 actually a caseworker and the caseworker actually
 14 gets bundles to the street sellers, he would be
 15 mid-level. The caseworker goes to the boss, goes
 16 to the boss, then you get the supplier. We were
 17 trying to always get the supplier.
 18 Q. All right. Just so I understand your
 19 question, you were targeting mid-level drug
 20 dealers?
 21 A. And up, and to get to mid-levels we
 22 had to get the street sellers. That would be the
 23 jump-out jobs. The jump-out jobs we were actually
 24 doing, they would talk and then they would give up

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1 the caseworkers. Then from the -- we get enough
 2 of the caseworkers, then we'll get the boss, and
 3 then sometimes we get closer -- we can get the
 4 boss, we can get the supplier.
 5 Kushner was an example.
 6 Kushner will probably be a boss, and he's
 7 basically giving up who the people who he is
 8 supplying to, the other suppliers.
 9 Q. So the ultimate goal was to get the
 10 boss.
 11 A. No, to get the supplier.
 12 Q. Supplier.
 13 A. Yes.
 14 Q. Okay. And in order to do that, you
 15 had to target the mid-level drug dealers --
 16 A. Yeah. Sometimes we target -- we
 17 couldn't get the mid-level, we went down to the
 18 bottom and got the street workers.
 19 Q. Okay. Did you believe that when you
 20 were involved in this particular job, the Kareem
 21 Torain job -- and I realize that there were other
 22 targets in this job -- did you believe that you
 23 were targeting mid-level drug dealers in this
 24 particular job?

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1 A. I couldn't tell what we were targeting
 2 because it wasn't my investigation. Monaghan
 3 could tell you that. Evidently he went to a house
 4 without a search warrant, so only he knows those
 5 questions, not me.
 6 Q. Did you ever ask him who we were
 7 targeting?
 8 A. I don't see -- when you're doing
 9 something wrong and you know we have a
 10 conversation doing something wrong you don't
 11 critique no one else's job. You keep your mouth
 12 shut and you basically follow what's going on. He
 13 needed for me to do something and I did it.
 14 Q. Were you ever involved in a
 15 surveillance or drug job where you knew that you
 16 were targeting an innocent law abiding citizen?
 17 A. No. Our target was to lock up drug
 18 dealers.
 19 Q. Other than this particular job where
 20 Monaghan -- where you worked with Monaghan, did
 21 you work with Monaghan on other drug jobs?
 22 A. I don't know if I can recall that. I
 23 mean, he's worked in our squad with us. There
 24 could be other jobs out there, I don't know. We

54 (Pages 429 to 432)

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1 all worked together in the squad.
2 When you say working with,
3 yeah, I worked with Monaghan in the car before,
4 but I'm sure Monaghan did other jobs that I'm not
5 clear if I was on any of those jobs.
6 Q. Sitting here today, can you ever
7 recall -- other than this particular job, can you
8 ever recall feeding Monaghan false information and
9 then him going and creating an Affidavit of
10 Probable Cause other than this job?
11 A. You're talking about information that
12 I received -- I don't remember if I did or I
13 didn't. I don't know how many -- again, I don't
14 know how many jobs he may have been involved in
15 that he needed me to do that.
16 Q. Sitting here today, can you ever
17 recall Monaghan providing you what you knew to be
18 false information?
19 A. Providing me?
20 Q. Yeah.
21 A. He never provided me anything, I
22 provided for him. We had a discussion. He asked
23 me to do something and I did it.
24 Q. So the answer to my question would be

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1 Q. Out of your entire career?
2 A. No, listen.
3 MS. FUREY: A week he said.
4 THE WITNESS: A week. I'm
5 going by a week.
6 BY MR. BRIGANDI:
7 Q. Oh, I'm sorry. All right.
8 A. A week. I'm in court every day.
9 Q. You were a narcotics officer for 14
10 years?
11 A. Yes.
12 Q. Is it fair to say that you testified
13 in court -- Criminal Court thousands of times?
14 A. Yes.
15 Q. Okay. Of those thousands of times,
16 percentage-wise, what percentage involved perjured
17 testimony by yourself?
18 A. You're talking percentage. Like I
19 said, we did -- 75 percent of the jobs we did was
20 good -- 70, 75 percent was good. So I fall into
21 the exact same situation with them because I
22 worked with them.
23 We did a lot of good jobs. We
24 did a lot of good jobs out there. So I can't sit

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1 no?
2 A. I'm sorry?
3 Q. The answer to my question would be no?
4 A. I told -- explained it to you. So we
5 can get it clear, he needed for me to do something
6 and I did it.
7 Q. Understood.
8 How many times over the years
9 have you testified in court, and specifically the
10 CJC?
11 A. How many times I've testified in
12 court?
13 Q. Yeah. And, you know, I understand
14 it's not going to be an exact number but --
15 A. I'm not going to give you an exact
16 number.
17 Q. Yeah.
18 A. I was in court every -- almost every
19 day. Testifying? Maybe a handful of times,
20 because a lot of times we went to court every day
21 and cases got continued or whatever the
22 disposition was, but I'd say let's go in a week.
23 I may have testified at the most twice, twice a
24 week.

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1 here and tell you I lied on 80 percent of my jobs,
2 which was not true. I mean, I did a lot of good
3 jobs where I told the truth, and there are some
4 jobs I did where I lied and I stole.
5 Q. So if 70 to 75 percent of your jobs
6 were legitimate, is it fair to say that if you had
7 to come and testify in the other jobs, 20 to 25
8 would --
9 A. Yes.
10 Q. -- would involve perjury?
11 A. Yes. Perjury, stealing, beating.
12 Q. The last question, other than
13 Mr. Pileggi, were there any other attorneys
14 involved in this matter that you met with prior to
15 your deposition both yesterday and today?
16 A. I met with a group of them. I went to
17 the office. I don't know -- I forget whose office
18 it was. We all sitting and I basically informed
19 them I was representing myself and I was going to
20 cooperate with cases that would be presented to
21 me.
22 Nothing was given to me in
23 writing or showed do you remember this case. No,
24 none of that happened. It was -- I was giving my

55 (Pages 433 to 436)

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1 introduction, telling them listen, I'm
2 representing myself and I'm here to cooperate and
3 be truth-worthy of what I am a defendant in the
4 cases with.

5 Q. And you don't remember whose law
6 office it was?

7 A. No, I don't remember who exactly law
8 office it was.

9 Q. When did this meeting take place?

10 A. I can't tell you when. It was -- I
11 don't know exactly when, but I know it was before
12 this. About a month, a month before this.

13 Q. About a month before this dep?

14 A. A month or two, yes. Yes.

15 Q. Was Mr. Krasner present?

16 A. Krasner?

17 Q. Yeah.

18 A. Who is that?

19 Him? Yeah.

20 Q. Was Mr. Williams present at the --

21 A. Yeah, the whole -- the group -- the
22 group of whoever is involved in the lawsuits
23 against me. I'm a defendant. We all got
24 together. I told Mike listen, I'll get together

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1 and next thing you know I was at the meeting.

2 Q. Did any of the attorneys indicate that
3 they would release you from their case, meaning
4 they'll drop the claim against you?

5 A. No. I'm being sued.

6 MR. BRIGANDI: Sir, I
7 appreciate your time. I have nothing
8 further.

9 THE WITNESS: Thank you.

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(Whereupon, at 3:35 p.m. the
deposition was adjourned.)

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1 with your colleagues because I want to cooperate
2 on these incidents. I know I'm a defendant. No
3 one's promising me anything. I just want to make
4 it very clear what my intentions are so I can move
5 on with my life.

6 Q. Understood.

7 A. So I had to meet with everybody so
8 everybody can be on the exact same page.

9 Q. Understood.

10 How many times did those
11 meetings take place?

12 A. Once.

13 Q. Okay. And did anyone --

14 A. And I signed a form for that.

15 Q. What kind of form did you sign?

16 A. To show that I understand that I'm a
17 defendant in these cases, and I can't word for
18 word what it says but it's just -- you know, I'm
19 a -- clearly I'm a defendant in these cases and
20 I'm being sued and I said okay, I'm going to sign
21 it. I read it thoroughly and I signed it.

22 Q. Who set that meeting up, if you know?

23 A. I don't know. I know I asked Mike and
24 Mike was working with whoever he was talking to

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CERTIFICATE

1 COMMONWEALTH OF PENNSYLVANIA :

2 : SS

3 COUNTY OF PHILADELPHIA :

4
5
6
7
8 I, ROBIN FRATTALI, Registered
9 Professional Reporter - Notary Public, within and
10 for the Commonwealth of Pennsylvania, do hereby
11 certify that the proceedings, evidence, and
12 objections noted are contained fully and
13 accurately in the notes taken by me of the
14 preceding deposition, and that this copy is a
15 correct transcript of the same.

16
17
18
19
20
21 ROBIN FRATTALI
22 Registered Professional
23 Reporter - Notary Public
24

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INSTRUCTIONS TO THE WITNESS

1 Read your deposition over carefully
 2
 3 It is your right to read your deposition and make
 4 changes in form or substance. You should assign a
 5 reason in the appropriate column on the errata
 6 sheet for any change made.

7 After making any changes in form or
 8 substance which have been noted on the following
 9 errata sheet along with the reason for any change,
 10 sign your name on the errata sheet and date it.

11 Then sign your deposition at the
 12 end of your testimony in the space provided. You
 13 are signing it subject to the changes you have
 14 made in the errata sheet, which will be attached
 15 to the deposition before filing. You must sign it
 16 in front of a witness. Have the witness sign in
 17 the space provided. The witness need not be a
 18 notary public. Any competent adult may witness
 19 your signature.

20 Return the original errata sheet to
 21 your counsel promptly. Court rules require filing
 22 within thirty days after you receive the
 23 deposition.
 24

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SIGNATURE PAGE

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I hereby acknowledge that I have
 read the foregoing transcript, dated September
 16, 2016, and the same is a true and correct
 transcription of the answers given by me to the
 questions propounded, except for the changes, if
 any, noted on the Errata Sheet.

SIGNATURE: _____
 Jeffrey Walker

DATE: _____

WITNESSED BY: _____

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ERRATA SHEET

1 Attach to Deposition of: Jeffrey Walker
 2 Taken on: September 16, 2016
 3 In the matter of: McIntyre vs. Liciardello,
 4 Torain vs. City

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